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THE

UNITED STATES CONSTITUTION

AND ITS

PRO-SLAVERY COMPROMISES.

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The Gift of
The American Anti-Slavery
Society,
29 Nov., 1858.

THE

CONSTITUTION

A PRO-SLAVERY COMPACT:

OR,

EXTRACTS

FROM

THE MADISON PAPERS, ETC.

SELECTED BY

WENDELL PHILLIPS.

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INTRODUCTION.

EVERY one knows that the "Madison Papers" contain a Report, from the pen of James Madison, of the Debates in the Old Congress of the Confederation, and in the Convention which formed the Constitution of the United States. We have extracted from them, in these pages, all the Debates on those clauses of the Constitution which relate to slavery. To these we have added all that is found, on the same topic, in the Debates of the several State Conventions which ratified the Constitution: together with so much of the speech of Luther Martin before the Legislature of Maryland, and of the Federalist, as relate to our subject; with some extracts, also, from the Debates of the first Federal Congress on slavery. These are all printed without alteration, except that, in some instances, we have inserted in brackets, after the name of a speaker, the name of the State from which he came. The notes and italics are those of the original, but the editor has added a note on page 11, and two notes on page 52, which are marked as his, and we have taken the liberty of printing in capitals one sentiment of Rufus King's, and two of James Madison's — a distinction which the importance of the statements seemed to demand — otherwise we have reprinted exactly from the originals.

These extracts develop most clearly all the details of that "compromise," which was made between freedom and slavery, in 1787; granting to the slaveholder distinct privileges and protection for his slave property, in return for certain commercial concessions on his part toward the North. They prove also that the nation at large were fully aware of this bargain at the time, and entered into it willingly and with open eyes.

We have added the late "Address of the American Anti-Slavery

Society," and the letter of FRANCIS JACKSON to Governor BRIGGS, resigning his commission of Justice of the Peace — as bold and honorable protests against the guilt and infamy of this national bargain, and as proving most clearly the duty of each individual to trample it under his feet.

The clauses of the Constitution to which we refer as of a pro-slavery character are the following: —

ART. 1, SECT. 2. — Representatives and direct taxes shall be apportioned among the several States, which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, *three fifths of all other persons.*

ART. 1, SECT. 8. — Congress shall have power . . . to suppress insurrections.

ART. 1, SECT. 9. — The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight: but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

ART. 4, SECT. 2. — No person, held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due.

ART. 4, SECT. 4. — The United States shall guarantee to every State in this Union a republican form of government; and shall protect each of them against invasion; and, on application of the legislature, or of the executive, (when the legislature cannot be convened,) *against domestic violence.*

The first of these clauses, relating to representation, confers on a slaveholding community additional political power for every slave held among them, and thus tempts them to continue to uphold the system: the second and the last, relating to insurrection and domestic violence, perfectly innocent in themselves, yet being made with the fact directly in view that slavery exists among us, do deliberately pledge the whole national force against the unhappy slave if he imitate our fathers and resist oppression — thus making us partners in the guilt of sus-

taining slavery: the third, relating to the slave trade, disgraces the nation by a pledge not to abolish that traffic till after twenty years, *without obliging Congress to do so even then*, and thus the slave trade may be legalized to-morrow if Congress choose: the fourth is a promise on the part of the whole nation to return fugitive slaves to their masters, a deed which God's law expressly condemns, and which every noble feeling of our nature repudiates with loathing and contempt.

These are the articles of the "Compromise," so much talked of between the North and South.

We do not produce the extracts which make up these pages to show what is the meaning of the clauses above cited. For no man or party, of any authority in such matters, has ever pretended to doubt to what subject they all relate. If indeed they were ambiguous in their terms, a resort to the history of those times would set the matter at rest forever. A few persons, to be sure, of late years, to serve the purposes of a party, have tried to prove that the Constitution makes no compromise with slavery. Notwithstanding the clear light of history; — the unanimous decision of all the courts in the land, both State and Federal; — the action of Congress and the State Legislature; — the constant practice of the Executive in all its branches; — and the deliberate acquiescence of the whole people for half a century, still they contend that the nation does not know its own meaning, and that the Constitution does not tolerate slavery! Every candid mind, however, must acknowledge that the language of the Constitution is clear and explicit.

Its terms are so broad, it is said, that they include many others besides slaves, and hence it is wisely (!) inferred that they cannot include the slaves themselves! Many persons besides slaves in this country doubtless are "held to service and labor under the laws of the States," but that does not at all show that slaves are not "held to service;" many persons beside the slaves may take part "in insurrections," but that does not prove that when the slaves rise, the National Government is not bound to put them down by force. Such a thing has been heard of before as one description including a great variety of persons, — and this is the case in the present instance.

But granting that the terms of the Constitution are ambiguous —

that they are susceptible of two meanings — if the unanimous, concurrent, unbroken practice of every department of the Government, judicial, legislative, and executive, and the acquiescence of the whole people for fifty years, do not prove which is the true construction, then how and where can such a question ever be settled? If the people and the courts of the land do not know what they themselves mean, who has authority to settle their meaning for them?

If, then, the people and the courts of a country are to be allowed to determine what their own laws mean, it follows that at this time, and for the last half century, the Constitution of the United States has been, and still is, a pro-slavery instrument, and that any one who swears to support it, swears to do pro-slavery acts, and violates his duty both as a man and an abolitionist. What the Constitution may become a century hence, we know not; we speak of it *as it is*, and repudiate it *as it is*.

But the purpose, for which we have thrown these pages before the community, is this. Some men, finding the nation unanimously deciding that the Constitution tolerates slavery, have tried to prove that this false construction, as they think it, has been foisted into the instrument by the corrupting influence of slavery itself, tainting all it touches. They assert that the known anti-slavery spirit of revolutionary times never *could* have consented to so infamous a bargain as the Constitution is represented to be, and has in its present hands become. Now these pages prove the melancholy fact, that willingly, with deliberate purpose, our fathers bartered honesty for gain, and became partners with tyrants, that they might share in the profits of their tyranny.

And in view of this fact, will it not require a very strong argument to make any candid man believe, that the bargain which the fathers tell us they meant to incorporate into the Constitution, and which the sons have always thought they found there incorporated, does not exist there, after all? Forty of the shrewdest men and lawyers in the land assemble to make a bargain, among other things, about slaves. After months of anxious deliberation, they put it into writing, and sign their names to the instrument. Fifty years roll away, — twenty millions, at least, of their children pass over the stage of life, — courts

sit and pass judgment, — parties arise and struggle fiercely; still, all concur in finding in the instrument just that meaning which the fathers tell us they intended to express: — must not he be a desperate man, who, after all this, sets out to prove that the fathers were bunglers and the sons fools, and that slavery is not referred to at all?

Besides, the advocates of this new theory of the Anti-slavery character of the Constitution quote some portions of the Madison Papers in support of their views, — and this makes it proper that the community should hear *all* that these Debates have to say on the subject. The further we explore them, the clearer becomes the fact, that the Constitution was meant to be, what it has always been esteemed, a compromise between slavery and freedom.

If, then, the Constitution be, what these Debates show that our fathers intended to make it, and what, too, their descendants, this nation, say they did make it and agree to uphold, — then we affirm that it is "a covenant with death and an agreement with hell," and ought to be immediately annulled. No abolitionist can consistently take office under it, or swear to support it.

But if, on the contrary, our fathers failed in their purpose, and the Constitution is all pure and untouched by slavery, — then, Union itself is impossible, without guilt. For it is undeniable that the fifty years passed under this (anti-slavery) Constitution show us the slaves trebling in numbers; — slaveholders monopolizing the offices and dictating the policy of the Government; — prostituting the strength and influence of the nation to the support of slavery here and elsewhere; — trampling on the rights of the free States, and making the courts of the country their tools. To continue this disastrous alliance longer is madness. The trial of fifty years with the best of men and the best of Constitutions, on this supposition, only proves that it is impossible for free and slave States to unite on any terms, without all becoming partners in the guilt, and responsible for the sin of slavery. We dare not prolong the experiment, and with double earnestness we repeat our demand upon every honest man to join in the outcry of the American Anti-Slavery Society, —

NO UNION WITH SLAVEHOLDERS!

THE CONSTITUTION

A

PRO-SLAVERY COMPACT.

Extracts from Debates in the Congress of Confederation, preserved by Thomas Jefferson, 1776.

CONGRESS proceeded the same day to consider the Declaration of Independence. * * *

The clause reprobating the enslaving the inhabitants of Africa was struck out, in compliance to South Carolina and Georgia, who had never attempted to restrain the importation of Slaves, and who, on the contrary, still wished to continue it. Our Northern brethren also, I believe, felt a little tender under those censures; for though their people have very few slaves themselves, yet they had been pretty considerable carriers of them to others.* — p. 18.

On Friday, the twelfth of July, 1776, the committee appointed to draw the articles of Confederation reported them, and on the twenty-second the House resolved themselves into a committee to take them into consideration. On the thirtieth

* [The clause was as follows: "He [viz., King George 3d] has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur a miserable death in their transportation thither. This piratical warfare, the opprobrium of infidel powers, is the warfare of the CHRISTIAN King of Great Britain. Determined to keep a market where MEN should be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce." — EDITOR.]

and thirty-first of that month, and the first of the ensuing, those articles were debated which determined the proportion or quota of money which each State should furnish to the common treasury, and the manner of voting in Congress. The first of these articles was expressed in the original draught in these words: —

"Article 11. All charges of war, and all other expenses that shall be incurred for the common defence, or general welfare, and allowed by the United States assembled, shall be defrayed out of a common treasury, which shall be supplied by the several Colonies in proportion to the number of inhabitants of every age, sex, and quality, except Indians not paying taxes, in each Colony, a true account of which, distinguishing the white inhabitants, shall be triennially taken and transmitted to the Assembly of the United States."

Mr. CHASE (of Maryland) moved, that the quotas should be paid, not by the number of inhabitants of every condition, but by that of the "white inhabitants." He admitted that taxation should be always in proportion to property; that this was in theory the true rule; but that from a variety of difficulties it was a rule which could never be adopted in practice. The value of the property in every State could never be estimated justly and equally. Some other measure for the wealth of the State must therefore be devised, some standard referred to which would be more simple. He considered the number of inhabitants as a tolerable good criterion of property, and that this might always be obtained. He, therefore, thought it the best mode we could adopt, with one exception only. He observed that negroes are property, and as such cannot be distinguished from the lands or personalities held in those States where there are few slaves. That the surplus of profit which a Northern farmer is able to lay by, he invests in cattle, horses, &c.; whereas, a Southern farmer lays out the same surplus in slaves. There is no more reason, therefore, for taxing the Southern States on the farmer's head and on his slave's head, than the Northern ones on their farmers' heads and the heads

of their cattle. That the method proposed would, therefore, tax the Southern States according to their numbers and their wealth conjointly, while the Northern would be taxed on numbers only: that negroes, in fact, should not be considered as members of the State, more than cattle, and that they have no more interest in it.

Mr. JOHN ADAMS (of Massachusetts) observed, that the numbers of people were taken by this article as an index of the wealth of the State, and not as subjects of taxation. That as to this matter, it was of no consequence by what name you called your people, whether by that of freemen or of slaves. That in some countries the laboring poor were called freemen, in others they were called slaves: but that the difference as to the State was imaginary only. What matters it whether a landlord employing ten laborers on his farm gives them annually as much money as will buy them the necessaries of life, or gives them those necessaries at short hand? The ten laborers add as much wealth annually to the State, increase its exports as much, in the one case as the other. Certainly, five hundred freemen produce no more profits, no greater surplus for the payment of taxes, than five hundred slaves. Therefore the State in which are the laborers called freemen, should be taxed no more than that in which are those called slaves. Suppose, by any extraordinary operation of nature or of law, one half the laborers of a State could, in the course of one night, be transformed into slaves, — would the State be made the poorer, or the less able to pay taxes? That the condition of the laboring poor in most countries, — that of the fishermen, particularly, of the Northern States, — is as abject as that of slaves. It is the number of laborers which produces the surplus for taxation; and numbers, therefore, indiscriminately, are the fair index of wealth. That it is the use of the word "property" here, and its application to some of the people of the State, which produces the fallacy. How does the Southern farmer procure slaves? Either by importation, or by purchase from his neighbor. If he imports a slave, he

adds one to the number of laborers in his country, and proportionably to its profits and abilities to pay taxes; if he buys from his neighbor, it is only a transfer of a laborer from one farm to another, which does not change the annual produce of the State, and therefore should not change its tax; that if a Northern farmer works ten laborers on his farm, he can, it is true, invest the surplus of ten men's labor in cattle; but so may the Southern farmer working ten slaves. That a State of one hundred thousand freemen can maintain no more cattle than one of one hundred thousand slaves; therefore they have no more of that kind of property. That a slave may, indeed, from the custom of speech, be more properly called the wealth of his master, than the free laborer might be called the wealth of his employer: but as to the State, both were equally its wealth, and should therefore equally add to the quota of its tax.

Mr. HARRISON (of Virginia) proposed, as a compromise, that two slaves should be counted as one freeman. He affirmed that slaves did not do as much work as freemen, and doubted if two effected more than one. That this was proved by the price of labor; the hire of a laborer in the Southern colonies being from £8 to £12, while in the Northern it was generally £24.

Mr. WILSON (of Pennsylvania) said, that if this amendment should take place, the Southern colonies would have all the benefit of slaves, whilst the Northern ones would bear the burden. That slaves increase the profits of a State, which the Southern States mean to take to themselves; that they also increase the burden of defence, which would of course fall so much the heavier on the Northern; that slaves occupy the places of freemen, and eat their food. Dismiss your slaves, and freemen will take their places. It is our duty to lay every discouragement on the importation of slaves; but this amendment would give the *jus trium liberorum* to him who would import slaves. That other kinds of property were pretty equally distributed through all the colonies: there were

as many cattle, horses, and sheep, in the North as the South, and South as the North; but not so as to slaves: that experience has shown that those colonies have been always able to pay most, which have the most inhabitants, whether they be black or white; and the practice of the Southern colonies has always been to make every farmer pay poll taxes upon all his laborers, whether they be black or white. He acknowledged, indeed, that freemen worked the most; but they consume the most, also. They do not produce a greater surplus for taxation. The slave is neither fed nor clothed so expensively as a freeman. Again, white women are exempted from labor generally, which negro women are not. In this, then, the Southern States have an advantage as the article now stands. It has sometimes been said that slavery was necessary, because the commodities they raise would be too dear for market if cultivated by freemen; but now it is said that the labor of the slave is the dearest.

Mr. PAYNE (of Massachusetts) urged the original resolution of Congress, to proportion the quotas of the States to the number of souls.

Dr. WITHERSPOON (of New Jersey) was of opinion, that the value of lands and houses was the best estimate of the wealth of a nation, and that it was practicable to obtain such a valuation. This is the true barometer of wealth. The one now proposed is imperfect in itself, and unequal between the States. It has been objected that negroes eat the food of freemen, and therefore should be taxed: horses also eat the food of freemen, therefore they also should be taxed. It has been said, too, that in carrying slaves into the estimate of the taxes the State is to pay, we do no more than those States themselves do, who always take slaves into the estimate of the taxes the individual is to pay. But the cases are not parallel. In the Southern colonies, slaves pervade the whole colony; but they do not pervade the whole continent. That as to the original resolution of Congress, it was temporary only, and related to the moneys heretofore emitted; whereas we are now

entering into a new compact, and therefore stand on original ground.

AUGUST 1st. The question being put, the amendment proposed was rejected by the votes of New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania, against those of Delaware, Maryland, Virginia, North and South Carolina. Georgia was divided. — pp. 27–8–9, 30–1–2.

Extracts from Madison's Report of Debates in the Congress of Confederation.

TUESDAY, January 14, 1783.

If the valuation of land had not been prescribed by the Federal Articles, the Committee would certainly have preferred some other rule of apportionment, particularly that of numbers, under certain qualifications as to slaves. — p. 260.

TUESDAY, Feb. 11, 1783.

Mr. WOLCOTT declares his opinion that the Confederation ought to be amended by substituting numbers of inhabitants as the rule; admits the difference between freemen and blacks; and suggests a compromise, by including in the numeration such blacks only as were within sixteen and sixty years of age. — p. 331.

THURSDAY, March 27, 1783.

(The eleventh and twelfth paragraphs:)

Mr. WILSON (of Pennsylvania) was strenuous in their favor; said he was in Congress when the Articles of Confederation directing a valuation of land were agreed to; that it was the effect of the impossibility of compromising the different ideas of the Eastern and Southern States, as to the value of slaves compared with the whites, the alternative in question.

Mr. CLARK (of New Jersey) was in favor of them. He said that he was also in Congress when this article was de-

cided; that the Southern States would have agreed to numbers in preference to the value of land, if half their slaves only should be included; but that the Eastern States would not concur in that proposition.

It was agreed on all sides that, instead of fixing the proportion by ages, as the report proposed, it would be best to fix the proportion in absolute numbers. With this view, and that the blank might be filled up, the clause was recommitted. — pp. 421–2.

FRIDAY, March 28, 1783.

The committee last mentioned, reported that two blacks be rated as one freeman.

Mr. WOLCOTT (of Connecticut) was for rating them as four to three. Mr. CARROLL as four to one. Mr. WILLIAMSON (of North Carolina) said he was principled against slavery; and that he thought slaves an incumbrance to society, instead of increasing its ability to pay taxes. Mr. HIGGINSON (of Massachusetts) as four to three. Mr. RUTLEDGE (of South Carolina) said, for the sake of the object, he would agree to rate slaves as two to one, but he sincerely thought three to one would be a juster proportion. Mr. HOLTON as four to three. Mr. OSGOOD said he did not go beyond four to three. On a question for rating them as three to two, the votes were, New Hampshire, aye; Massachusetts, no; Rhode Island, divided; Connecticut, aye; New Jersey, aye; Pennsylvania, aye; Delaware, aye; Maryland, no; Virginia, no; North Carolina, no; South Carolina, no. The paragraph was then postponed, by general consent, some wishing for further time to deliberate on it; but it appearing to be the general opinion that no compromise would be agreed to.

After some further discussions on the Report, in which the necessity of some simple and practicable rule of apportionment came fully into view, Mr. MADISON (of Virginia) said that, in order to give a proof of the sincerity of his professions of liberality, he would propose that slaves should be rated as five to three. Mr. RUTLEDGE (of South Carolina) seconded the

motion. Mr. WILSON (of Pennsylvania) said he would sacrifice his opinion on this compromise.

Mr. LEE was against changing the rule, but gave it as his opinion that two slaves were not equal to one freeman.

On the question of five to three, it passed in the affirmative: New Hampshire, aye; Massachusetts, divided; Rhode Island, no; Connecticut, no; New Jersey, aye; Pennsylvania, aye; Maryland, aye; Virginia, aye; North Carolina, aye; South Carolina, aye.

A motion was then made by Mr. BLAND, seconded by Mr. LEE, to strike out the clause so amended, and, on the question, "Shall it stand?" it passed in the negative: New Hampshire, aye; Massachusetts, no; Rhode Island, no; Connecticut, no; New Jersey, aye; Pennsylvania, aye; Delaware, no; Maryland, aye; Virginia, aye; North Carolina, aye; South Carolina, no; — so the clause was struck out.

The arguments used by those who were for rating slaves high were, that the expense of feeding and clothing them was as far below that incident to freemen as their industry and ingenuity were below those of freemen; and that the warm climate within which the States having slaves lay, compared with the rigorous climate and inferior fertility of the others, ought to have great weight in the case; and that the exports of the former States were greater than of the latter. On the other side, it was said that slaves were not put to labor as young as the children of laboring families; that, having no interest in their labor, they did as little as possible, and omitted every exertion of thought requisite to facilitate and expedite it; that if the exports of the States having slaves exceeded those of the others, their imports were in proportion, slaves being employed wholly in agriculture, not in manufactures; and that, in fact, the balance of trade formerly was much more against the Southern States than the others.

On the main question, New Hampshire, aye; Massachusetts, no; Rhode Island, no; Connecticut, no; New York, (Mr FLOYD, aye;) New Jersey, aye; Delaware, no; Maryland,

aye; Virginia, aye; North Carolina, aye; South Carolina, no. — pp. 423–4–5.

TUESDAY, April 1, 1783.

Congress resumed the Report on Revenue, &c. Mr. HAMILTON, who had been absent when the last question was taken, for substituting numbers in place of the value of land, moved to reconsider that vote. He was seconded by Mr. OSGOOD. Those who voted differently from their former votes were influenced by the conviction of the necessity of the change, and despair on both sides of a more favorable rate of the slaves. The rate of three fifths was agreed to without opposition. — p. 430.

MONDAY, May 26, 1783.

The Resolutions on the Journal, instructing the ministers in Europe to remonstrate against the carrying off the negroes — also those for furloughing the troops — passed *unanimously.* — p. 456.

Letter from Mr. Madison to Edmund Randolph.

PHILADELPHIA, April 8, 1783.

A change of the valuation of lands for the number of inhabitants, deducting two fifths of the slaves, has received a tacit sanction, and, unless hereafter expunged, will go forth in the general recommendation, as material to future harmony and justice among the members of the Confederacy. The deduction of two fifths was a compromise between the wide opinions and demands of the Southern and other States. — p. 523.

Extract from "Debates in the Federal Convention" of 1787, for the formation of the Constitution of the United States.

TUESDAY, May 29, 1787.

Mr. CHARLES PINCKNEY laid before the House the draft of a Federal Government. * * * "The proportion of

direct taxation shall be regulated by the whole number of inhabitants of every description." — pp. 735, 741.

WEDNESDAY, May 30, 1787.

The following Resolution, being the second of those proposed by Mr. RANDOLPH, was taken up, viz.: —

"*That the rights of suffrage in the National Legislature ought to be proportioned to the quotas of contribution, or to the number of free inhabitants, as the one or the other rule may seem best in different cases.*"

Colonel HAMILTON moved to alter the resolution so as to read "that the rights of suffrage in the National Legislature ought to be proportioned to the number of free inhabitants." Mr. SPAIGHT seconded the motion. — p. 750.

WEDNESDAY, June 6, 1787.

Mr. MADISON. We have seen the mere distinction of color made, in the most enlightened period of time, a ground of the most oppressive dominion ever exercised by man over man. — p. 806.

MONDAY, June 11, 1787.

Mr. SHERMAN proposed that the proportion of suffrage in the first branch should be according to the respective numbers of free inhabitants.

Mr. RUTLEDGE proposed that the proportion of suffrage in the first branch should be according to the quotas of contribution.

Mr. KING and Mr. WILSON, in order to bring the question to a point, moved "that the right of suffrage in the first branch of the National Legislature ought not to be according to the rule established in the Articles of Confederation, but according to some equitable ratio of representation." — p. 836.

It was then moved by Mr. RUTLEDGE, seconded by Mr. BUTLER, to add to the words "equitable ratio of representation," at the end of the motion just agreed to, the words "according to the quotas of contribution." On motion of Mr. WILSON, seconded by Mr. PINCKNEY, this was postponed, in order to add, after the words "equitable ratio of representa-

tion," the words following: "In proportion to the whole number of white and other free citizens and inhabitants of every age, sex, and condition, including those bound to servitude for a term of years, and three fifths of all other persons not comprehended in the foregoing description, except Indians not paying taxes, in each State," — this being the rule in the act of Congress, agreed to by eleven States, for apportioning quotas of revenue on the States, and requiring a census only every five, seven, or ten years.

Mr. GERRY (of Massachusetts) thought property not the rule of representation. Why, then, should the blacks, who were property at the South, be in the rule of representation more than the cattle and horses of the North?

On the question: Massachusetts, Connecticut, New York, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia, aye — 9; New Jersey, Delaware, no — 2. — pp. 842–3.

TUESDAY, June 19, 1787.

Mr. MADISON. Where slavery exists, the republican theory becomes still more fallacious. — p. 899.

SATURDAY, June 30, 1787.

Mr. MADISON admitted that every peculiar interest, whether in any class of citizens, or any description of states, ought to be secured as far as possible. Wherever there is danger of attack, there ought to be given a constitutional power of defence. But he contended that the States were divided into different interests, not by their difference of size, but by other circumstances; the most material of which resulted partly from climate, but principally from the effects of their having or not having slaves. These two causes concurred in forming the great division of interests in the United States. It did not lie between the large and small States. IT LAY BETWEEN THE NORTHERN AND SOUTHERN; and if any defensive power were necessary, it ought to be mutually given to these two interests. He was so strongly impressed with this important truth, that he had been casting

about in his mind for some expedient that would answer the purpose. The one which had occurred was, that, instead of proportioning the votes of the States in both branches to the irrespective numbers of inhabitants, computing the slaves in the ratio of five to three, they should be represented in one branch according to the number of free inhabitants only; and in the other according to the whole number, counting the slaves as free. By this arrangement, the Southern scale would have the advantage in one House, and the Northern in the other. He had been restrained from proposing this expedient by two considerations: one was, his unwillingness to urge any diversity of interests on an occasion where it is but too apt to arise of itself; the other was, the inequality of powers that must be vested in the two branches, and which would destroy the equilibrium of interests. — pp. 1006–7.

MONDAY, July 2, 1787.

Mr. PINCKNEY. There is a real distinction between the Northern and Southern interests. North Carolina, South Carolina, and Georgia, in their rice and indigo, had a peculiar interest, which might be sacrificed. — p. 1016.

FRIDAY, July 6, 1787.

Mr. PINCKNEY thought the blacks ought to stand on an equality with the whites; but would agree to the ratio settled by Congress. — p. 1039.

MONDAY, July 9, 1787.

Mr. PATTERSON considered the proposed estimate for the future, according to the combined rules of numbers and wealth, as too vague. For this reason, New Jersey was against it. He could regard negro slaves in no light but as property. They are not free agents, have no personal liberty, no faculty of acquiring property, but on the contrary are themselves property, and, like other property, entirely at the will of the master. Has a man in Virginia a number of votes in proportion to the number of his slaves? And if negroes are not represented in the States to which they belong, why should they be represented in the General Government? What is

the true principle of representation? It is an expedient by which an assembly of certain individuals, chosen by the people, is substituted in place of the inconvenient meeting of the people themselves. If such a meeting of the people was actually to take place, would the slaves vote? They would not. Why, then, should they be represented? He was also against such an indirect encouragement of the slave trade; observing that Congress, in their act relating to the change of the eighth article of Confederation, had been ashamed to use the term "slaves," and had substituted a description.

Mr. MADISON reminded Mr. PATTERSON that his doctrine of representation, which was in its principle the genuine one, must forever silence the pretensions of the small States to an equality of votes with the large ones. They ought to vote in the same proportion in which their citizens would do, if the people of all the States were collectively met. He suggested, as a proper ground of compromise, that in the first branch the States should be represented according to their number of free inhabitants; and in the second, which had for one of its primary objects the guardianship of property, according to the whole number, including slaves.

Mr. BUTLER urged warmly the justice and necessity of regarding wealth in the apportionment of representation.

Mr. KING had always expected that as the Southern States are the richest, they would not league themselves with the Northern, unless some respect were paid to their superior wealth. If the latter expect those preferential distinctions in commerce, and other advantages which they will derive from the connection, they must not expect to receive them without allowing some advantages in return. Eleven out of thirteen of the States had agreed to consider slaves in the apportionment of taxation; and taxation and representation ought to go together. — pp. 1054–5–6.

TUESDAY, July 10, 1787.

In Convention. Mr. KING reported, from the Committee yesterday appointed, "that the States, at the first meeting of

the General Legislature, should be represented by sixty-five members, in the following proportions, to wit: New Hampshire by 3; Massachusetts, 8; Rhode Island, 1; Connecticut, 5; New York, 6; New Jersey, 4; Pennsylvania, 8; Delaware, 1; Maryland, 6; Virginia, 10; North Carolina, 5; South Carolina, 5; Georgia, 3."

Mr. KING remarked that the four Eastern States, having 800,000 souls, have one third fewer representatives than the four Southern States, having not more than 700,000 souls, rating the blacks as five for three. The Eastern people will advert to these circumstances, and be dissatisfied. He believed them to be very desirous of uniting with their Southern brethren, but did not think it prudent to rely so far on that disposition as to subject them to any gross inequality. He was fully convinced that THE QUESTION CONCERNING A DIFFERENCE OF INTERESTS DID NOT LIE WHERE IT HAD HITHERTO BEEN DISCUSSED, BETWEEN THE GREAT AND SMALL STATES, BUT BETWEEN THE SOUTHERN AND EASTERN. For this reason he had been ready to yield something, in the proportion of representatives, for the security of the Southern. No principle would justify the giving them a majority. They were brought as near an equality as was possible. He was not averse to giving them a still greater security, but did not see how it could be done.

General PINCKNEY. The Report, before it was committed, was more favorable to the Southern States than as it now stands. If they are to form so considerable a minority, and the regulation of trade is to be given to the General Government, they will be nothing more than overseers for the Northern States. He did not expect the Southern States to be raised to a majority of representatives, but wished them to have something like an equality.

Mr. WILLIAMSON. The Southern interest must be extremely endangered by the present arrangement. The Northern States are to have a majority in the first instance, and the means of perpetuating it.

General PINCKNEY urged the reduction, dwelt on the superior wealth of the Southern States, and insisted on its having its due weight in the government.

Mr. GOUVERNEUR MORRIS regretted the turn of the debate. The States, he found, had many representatives on the floor. Few, he feared, were to be deemed the representatives of America. He thought the Southern States have, by the Report, more than their share of representation. Property ought to have its weight, but not all the weight. If the Southern States are to supply money, the Northern States are to spill their blood. Besides, the probable revenue to be expected from the Southern States has been greatly overrated. — pp. 1056–7–8–9.

WEDNESDAY, July 11, 1787.

Mr. WILLIAMSON moved that Mr. RANDOLPH'S propositions be postponed, in order to consider the following: "That in order to ascertain the alterations that may happen in the population and wealth of the several States, a census shall be taken of the free white inhabitants, and three fifths of those of other descriptions on the first year after this government shall have been adopted, and every —— year thereafter; and that the representation be regulated accordingly."

Mr. BUTLER and General PINCKNEY insisted that blacks be included in the rule of representation *equally* with the whites; and for that purpose moved that the words "three fifths" be struck out.

Mr. GERRY thought that three fifths of them was, to say the least, the full proportion that could be admitted.

Mr. GORHAM. This ratio was fixed by Congress as a rule of taxation. Then it was urged by the Delegates representing the States having slaves, that the blacks were still more inferior to freemen. At present, when the ratio of representation is to be established, we are assured that they are equal to freemen. The arguments on the former occasion had convinced him that three fifths was pretty near the just proportion, and he should vote according to the same opinion now.

Mr. BUTLER insisted that the labor of a slave in South Carolina was as productive and valuable as that of a freeman in Massachusetts; that as wealth was the great means of defence and utility to the nation, they were equally valuable to it with freemen; and that consequently an equal representation ought to be allowed for them in a government which was instituted principally for the protection of property, and was itself to be supported by property.

Mr. MASON could not agree to the motion, notwithstanding it was favorable to Virginia, because he thought it unjust. It was certain that the slaves were valuable, as they raised the value of land, increased the exports and imports, and of course the revenue; would supply the means of feeding and supporting an army, and might in cases of emergency become themselves soldiers. As in these important respects they were useful to the community at large, they ought not to be excluded from the estimate of representation. He could not, however, regard them as equal to freemen, and could not vote for them as such. He added, as worthy of remark, that the Southern States have this peculiar species of property over and above the other species of property common to all the States.

Mr. WILLIAMSON reminded Mr. GORHAM, that if the Southern States contended for the inferiority of blacks to whites when taxation was in view, the Eastern States, on the same occasion, contended for their equality. He did not, however, either then or now, concur in either extreme, but approved of the ratio of three fifths.

On Mr. BUTLER'S motion for considering blacks as equal to whites in the apportionment of representation: Delaware, South Carolina, Georgia, aye — 3; Massachusetts, Connecticut, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, no — 7; New York not on the floor.

Mr. GOUVERNEUR MORRIS said he had several objections to the proposition of Mr. WILLIAMSON. In the first place it fettered the Legislature too much. In the second place it

would exclude some States altogether, who would not have a sufficient number to entitle them to a single representation. In the third place it will not consist with the resolution passed on Saturday last, authorizing the Legislature to adjust the representation from time to time on the principles of population and wealth, nor with the principles of equity. If slaves were to be considered as inhabitants, not as wealth, then the said Resolution would not be pursued; if as wealth, then why is no other wealth but slaves included? These objections may perhaps be removed by amendments.

Mr. KING thought there was great force in the objections of Mr. GOUVERNEUR MORRIS. He would, however, accede to the proposition, for the sake of doing something.

Mr. GOUVERNEUR MORRIS. Another objection with him against admitting the blacks into the census was, that the people of Pennsylvania would revolt at the idea of being put on a footing with slaves. They would reject any plan that was to have such an effect.

Mr. MADISON. Future contributions, it seemed to be understood on all hands, would be principally levied on imports and exports. — pp. 1066–7–8–9; 1070–2–3.

On the question on the first clause of Mr. WILLIAMSON'S motion, as to taking a census of the *free* inhabitants, it passed in the affirmative: Massachusetts, Connecticut, New Jersey, Pennsylvania, Virginia, North Carolina, aye — 6; Delaware, Maryland, South Carolina, Georgia, no — 4.

The next clause as to three fifths of the negroes being considered, —

Mr. KING, being much opposed to fixing numbers as the rule of representation, was particularly so on account of the blacks. He thought the admission of them along with whites at all would excite great discontents among the States having no slaves. He had never said, as to any particular point, that he would in no event acquiesce in and support it; but he would say that if in any case such a declaration was to be made by him, it would be in this.

He remarked that in the temporary allotment of representatives made by the Committee, the Southern States had received more than the number of their white and three fifths of their black inhabitants entitled them to.

Mr. SHERMAN. South Carolina had not more beyond her proportion than New York and New Hampshire; nor either of them more than was necessary in order to avoid fractions, or reducing them below their proportion. Georgia had more; but the rapid growth of that State seemed to justify it. In general, the allotment might not be just; but considering all the circumstances, he was satisfied with it.

Mr. GORHAM was aware that there might be some weight in what had fallen from his colleague, as to the umbrage which might be taken by the people of the Eastern States. But he recollected that when the proposition of Congress for changing the eighth Article of the Confederation was before the Legislature of Massachusetts, the only difficulty then was, to satisfy them that the negroes ought not to have been counted equally with the whites, instead of being counted in the ratio of three fifths only.*

Mr. WILSON did not well see on what principle the admission of blacks, in the proportion of three fifths, could be explained. Are they admitted as citizens — then why are they not admitted on an equality with white citizens? Are they admitted as property — then why is not other property admitted into the computation? These were difficulties, however, which he thought must be overruled by the necessity of compromise. He had some apprehensions, also, from the tendency of the blending of the blacks with the whites, to give disgust to the people of Pennsylvania, as had been intimated by his colleague, (Mr. GOUVERNEUR MORRIS.)

Mr. GOUVERNEUR MORRIS was compelled to declare himself reduced to the dilemma of doing injustice to the Southern States, or to human nature; and he must therefore do it

* They were then to have been a rule of taxation only.

to the former. For he could never agree to give such encouragement to the slave trade as would be given by allowing them a representation for their negroes; and he did not believe those States would ever confederate on terms that would deprive them of that trade.

On the question for agreeing to include three fifths of the blacks: Connecticut, Virginia, North Carolina, Georgia, aye — 4; Massachusetts, New Jersey, Pennsylvania, Delaware, Maryland,* South Carolina, no — 6. — pp. 1076–7–8.

THURSDAY, July 12, 1787.

In Convention. Mr. GOUVERNEUR MORRIS moved a proviso, "that taxation shall be in proportion to representation."

Mr. BUTLER contended again, that representation should be according to the full number of inhabitants, including all the blacks; admitting the justice of Mr. GOUVERNEUR MORRIS'S motion.

General PINCKNEY was alarmed at what was said yesterday, [by GOUVERNEUR MORRIS,] concerning the negroes. He was now again alarmed at what had been thrown out concerning the taxing of exports. South Carolina has in one year exported to the amount of £600,000 sterling, all which was the fruit of the labor of her blacks. Will she be represented in proportion to this amount? She will not. Neither ought she then to be subject to a tax on it. He hoped a clause would be inserted in the system, restraining the Legislature from taxing exports.

Mr. WILSON approved the principle, but could not see how it could be carried into execution, unless restrained to direct taxation.

Mr. GOUVERNEUR MORRIS having so varied his motion by inserting the word "direct," it passed, *nem. con.*, as follows:

* Mr. Carroll said in explanation of the vote of Maryland, that he wished the *phraseology* to be so altered as to obviate, if possible, the danger which had been expressed of giving umbrage to the Eastern and Middle States.

"provided always that direct taxation ought to be proportioned to representation."

Mr. DAVIE said it was high time now to speak out. He saw that it was meant by some gentlemen to deprive the Southern States of any share of representation for their blacks. He was sure that North Carolina would never confederate on any terms that did not rate them at least as three fifths. If the Eastern States meant, therefore, to exclude them altogether, the business was at an end.

Dr. JOHNSON thought that wealth and population were the true, equitable rules of representation; but he conceived that these two principles resolved themselves into one, population being the best measure of wealth. He concluded, therefore, that the number of people ought to be established as the rule, and that all descriptions, including blacks *equally* with the whites, ought to fall within the computation. As various opinions had been expressed on the subject, he would move that a committee might be appointed to take them into consideration, and report them.

Mr. GOUVERNEUR MORRIS. It had been said that it is high time to speak out. As one member, he would candidly do so. He came here to form a compact for the good of America. He was ready to do so with all the States. He hoped, and believed, that all would enter into such compact. If they would not, he was ready to join with any States that would. But as the compact was to be voluntary, it is in vain for the Eastern States to insist on what the Southern States will never agree to. It is equally vain for the latter to require what the other States can never admit; and he verily believed the people of Pennsylvania will never agree to a representation of negroes. What can be desired by these States more than has been already proposed — that the Legislature shall from time to time regulate representation according to population and wealth?

General PINCKNEY desired that the rule of wealth should be ascertained, and not left to the pleasure of the Legislature;

and that property in slaves should not be exposed to danger, under a government instituted for the protection of property.

The first clause in the Report of the first Grand Committee was postponed.

Mr. ELLSWORTH, in order to carry into effect the principle established, moved to add to the last clause adopted by the House the words following: "and that the rule of contribution by direct taxation, for the support of the Government of the United States, shall be the number of white inhabitants, and three fifths of every other description in the several States, until some other rule, that shall more accurately ascertain the wealth of the several States, can be devised and adopted by the Legislature."

Mr. BUTLER seconded the motion, in order that it might be committed.

Mr. RANDOLPH was not satisfied with the motion. The danger will be revived, that the ingenuity of the Legislature may evade or pervert the rule, so as to perpetuate the power where it shall be lodged in the first instance. He proposed, in lieu of Mr. ELLSWORTH's motion, "that in order to ascertain the alterations in representation that may be required, from time to time, by changes in the relative circumstances of the States, a census shall be taken within two years from the first meeting of the General Legislature of the United States, and once within the term of every —— years afterwards, of all the inhabitants, in the manner and according to the ratio recommended by Congress in their Resolution of the eighteenth day of April, 1783, (rating the blacks at three fifths of their number;) and that the Legislature of the United States shall arrange the representation accordingly." He urged strenuously that express security ought to be provided for including slaves in the ratio of representation. He lamented that such a species of property existed. But as it did exist, the holders of it would require this security. It was perceived that the design was entertained by some of excluding slaves altogether; the Legislature therefore ought not to be left at liberty.

Mr. ELLSWORTH withdraws his motion, and seconds that of Mr. RANDOLPH.

Mr. WILSON observed, that less umbrage would perhaps be taken against an admission of the slaves into the rule of representation, if it should be so expressed as to make them indirectly only an ingredient in the rule, by saying that they should enter into the rule of taxation; and as representation was to be according to taxation, the end would be equally attained.

Mr. PINCKNEY moved to amend Mr. RANDOLPH'S motion, so as to make "blacks equal to the whites in the ratio of representation." This, he urged, was nothing more than justice. The blacks are the laborers, the peasants, of the Southern States. They are as productive of pecuniary resources as those of the Northern States. They add equally to the wealth, and, considering money as the sinew of war, to the strength, of the nation. It will also be politic with regard to the Northern States, as taxation is to keep pace with representation.

On Mr. PINCKNEY'S (of South Carolina) motion, for rating blacks as equal to whites, instead of as three fifths: South Carolina, Georgia, aye — 2; Massachusetts, Connecticut, (Doctor JOHNSON, aye,) New Jersey, Pennsylvania, (three against two,) Delaware, Maryland, Virginia, North Carolina, no — 8.

Mr. RANDOLPH'S (of Virginia) proposition, as varied by Mr. WILSON (of Pennsylvania) being read for taking the question on the whole, —

Mr. GERRY (of Massachusetts) urged that the principle of it could not be carried into execution, as the States were not to be taxed as States. With regard to taxes on imposts, he conceived they would be more productive where there were no slaves, than where there were; the consumption being greater.

Mr. ELLSWORTH, (of Connecticut.) In the case of a poll tax there would be no difficulty. But there would probably be none. The sum allotted to a State may be levied without

difficulty, according to the plan used by the State in raising its own supplies.

On the question on the whole proposition, as proportioning representation to direct taxation, and both to the white and three fifths of the black inhabitants, and requiring a census within six years, and within every ten years afterwards: Connecticut, Pennsylvania, Maryland, Virginia, North Carolina, Georgia, aye — 6; New Jersey, Delaware, no — 2; Massachusetts, South Carolina, divided. — pp. 1079 to 1087.

FRIDAY, July 13, 1787.

Mr. MADISON said, that having always conceived that the difference of interest in the United States lay not between the large and small, but the Northern and Southern States. — p. 1088.

On the motion of Mr. RANDOLPH, (of Virginia,) the vote of Monday last, authorizing the Legislature to adjust, from time to time, the representation upon the principles of *wealth* and numbers of inhabitants, was reconsidered by common consent, in order to strike out *wealth*, and adjust the resolution to that requiring periodical revisions according to the number of whites and three fifths of the blacks.

Mr. GOUVERNEUR MORRIS (of Pennsylvania) opposed the alteration, as leaving still an incoherence. If negroes were to be viewed as inhabitants, and the revision was to proceed on the principle of numbers of inhabitants, they ought to be added in their entire number, and not in the proportion of three fifths. If as property, the word wealth was right; and striking it out would produce the very inconsistency which it was meant to get rid of. The train of business, and the late turn which it had taken, had led him, he said, into deep meditation on it, and he would candidly state the result. A distinction had been set up, and urged, between the Northern and Southern States. He had hitherto considered this doctrine as heretical. He still thought the distinction groundless. He sees, however, that it is persisted in; and the Southern gentlemen will not be satisfied, unless they see the way open to their

gaining a majority in the public councils. The consequence of such a transfer of power from the maritime to the interior and landed interest will, he foresees, be such an oppression to commerce, that he shall be obliged to vote for the vicious principle of equality in the second branch, in order to provide some defence for the Northern States against it. But to come more to the point, either this distinction is fictitious or real; if fictitious, let it be dismissed, and let us proceed with due confidence. If it be real, instead of attempting to blend incompatible things, let us at once take a friendly leave of each other. There can be no end of demands for security, if every particular interest is to be entitled to it. The Eastern States may claim it for their fishery, and for other objects, as the Southern States claim it for their peculiar objects. In this struggle between the two ends of the Union, what part ought the Middle States, in point of policy, to take? To join their Eastern brethren, according to his ideas. If the Southern States get the power into their hands, and be joined, as they will be, with the interior country, they will inevitably bring on a war with Spain for the Mississippi. This language is already held. The interior country, having no property nor interest exposed on the sea, will be little affected by such a war. He wished to know what security the Northern and Middle States will have against this danger? It has been said that North Carolina, South Carolina, and Georgia only, will in a little time have a majority of the people of America. They must in that case include the great interior country, and every thing was to be apprehended from their getting the power into their hands.

Mr. BUTLER, (of South Carolina.) The security the Southern States want is, that their negroes may not be taken from them, which some gentlemen within or without doors have a very good mind to do. It was not supposed that North Carolina, South Carolina, and Georgia, would have more people than all the other States, but many more relatively to the other States than they now have. The people and strength

of America are evidently bearing southwardly, and southwestwardly.

On the question to strike out *wealth*, and to make the change as moved by Mr. RANDOLPH, (of Virginia,) it passed in the affirmative: Massachusetts, Connecticut, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia, aye — 9; Delaware, divided. — pp. 1090–1–2–3–4.

SATURDAY, July 14, 1787.

Mr. MADISON. It seemed now to be pretty well understood, that the real difference of interests lay, not between the large and small, but between the Northern and Southern, States. THE INSTITUTION OF SLAVERY, AND ITS CONSEQUENCES, FORMED THE LINE OF DISCRIMINATION. — p. 1104.

TUESDAY, July 17, 1787.

Mr. WILLIAMSON. The largest State will be sure to succeed. This will not be Virginia, however. Her slaves will have no suffrage. — p. 1123.

THURSDAY, July 19, 1787.

Mr. MADISON. The right of suffrage was much more diffusive in the Northern than the Southern States; and the latter could have no influence in the election, on the score of the negroes. — p. 1148.

MONDAY, July 23, 1787.

General PINCKNEY reminded the Convention, that if the Committee should fail to insert some security to the Southern States against an emancipation of slaves, and taxes on exports, he should be bound by duty to his State to vote against their report. — p. 1187.

TUESDAY, July 24, 1787.

Mr. WILLIAMSON. As the Executive is to have a kind of veto on the laws, and there is an essential difference of interests between the Northern and Southern States, particularly in the carrying trade, the power will be dangerous, if the Executive is to be taken from part of the Union, to the part from which he is not taken. — p. 1189.

Mr. GOUVERNEUR MORRIS hoped the Committee would strike out the whole of the clause proportioning direct taxation to representation. He had only meant it as a bridge * to assist us over a certain gulf; having passed the gulf, the bridge may be removed. He thought the principle laid down with so much strictness liable to strong objections. — p. 1197.

WEDNESDAY, July 25, 1787.

Mr. MADISON. Refer the appointment of the National Executive to the State Legislatures, and * * *

The remaining mode was an election by the people, or rather by the qualified part of them at large. * * *

The second difficulty arose from the disproportion of qualified voters in the Northern and Southern States, and the disadvantages which this mode would throw on the latter. The answer to this objection was — in the first place, that this disproportion would be continually decreasing under the influence of the republican laws introduced in the Southern States, and the more rapid increase of their population; in the second place, that local considerations must give way to the general interest. As an individual from the Southern States, he was willing to make the sacrifice. — pp. 1200–1.

THURSDAY, July 26, 1787.

Mr. GOUVERNEUR MORRIS. Revenue will be drawn, it is foreseen, as much as possible from trade. — p. 1217.

MONDAY, August 6, 1787.

Mr. RUTLEDGE delivered in the Report of the Committee of Detail.

ARTICLE VII.

SECT. 3. The proportions of direct taxation shall be regulated by the whole number of white and other free citizens and inhabitants of every age, sex, and condition, including those bound to servitude for a term of years, and three fifths of all other persons not comprehended in the foregoing de-

* The object was to lessen the eagerness, on one side, for, and the opposition, on the other, to the share of representation claimed by the Southern States on account of the negroes.

scription, (except Indians not paying taxes;) which number shall, within six years after the first meeting of the Legislature, and within the term of every ten years afterwards, be taken in such a manner as the said Legislature shall direct.

SECT. 4. No tax or duty shall be laid by the Legislature on articles exported from any State; nor on the migration or importation of such persons as the several States shall think proper to admit; nor shall such migration or importation be prohibited.

SECT. 5. No capitation tax shall be laid, unless in proportion to the census herein before directed to be taken.

SECT. 6. No navigation act shall be passed without the assent of two thirds of the members present in each House.—pp. 1226–33–34.

WEDNESDAY, August 8, 1787.

Mr. KING wished to know what influence the vote just passed was meant to have on the succeeding part of the Report, concerning the admission of slaves into the rule of representation. He could not reconcile his mind to the Article, if it was to prevent objections to the latter part. The admission of slaves was a most grating circumstance to his mind, and he believed would be so to a great part of the people of America. He had not made a strenuous opposition to it heretofore, because he had hoped that this concession would have produced a readiness, which had not been manifested, to strengthen the General Government, and to mark a full confidence in it. The Report under consideration had, by the tenor of it, put an end to all those hopes. In two great points the hands of the Legislature were absolutely tied. The importation of slaves could not be prohibited. Exports could not be taxed. Is this reasonable? What are the great objects of the general system? First, defence against foreign invasion; secondly, against internal sedition. Shall all the States, then, be bound to defend each, and shall each be at liberty to introduce a weakness which will render defence more difficult? Shall one part of the United States be bound

to defend another part, and that other part be at liberty not only to increase its own danger, but to withhold the compensation for the burden? If slaves are to be imported, shall not the exports produced by their labor supply a revenue the better to enable the General Government to defend their masters? There was so much inequality and unreasonableness in all this, that the people of the Northern States could never be reconciled to it. No candid man could undertake to justify it to them. He had hoped that some accommodation would have taken place on this subject; that at least a time would have been limited for the importation of slaves. He never could agree to let them be imported without limitation, and then be represented in the National Legislature. Indeed, he could so little persuade himself of the rectitude of such a practice, that he was not sure he could assent to it under any circumstances. At all events, either slaves should not be represented, or exports should be taxable.

Mr. SHERMAN regarded the slave trade as iniquitous; but the point of representation having been settled after much difficulty and deliberation, he did not think himself bound to make opposition; especially as the present Article, as amended, did not preclude any arrangement whatever on that point in another place of the report.

Mr. GOUVERNEUR MORRIS moved to insert "free" before the word "inhabitants." Much, he said, would depend on this point. He never would concur in upholding domestic slavery. It was a nefarious institution. It was the curse of Heaven on the States where it prevailed. Compare the free regions of the Middle States, where a rich and noble cultivation marks the prosperity and happiness of the people, with the misery and poverty which overspread the barren wastes of Virginia, Maryland, and the other States having slaves. Travel through the whole continent, and you behold the prospect continually varying with the appearance and disappearance of slavery. The moment you leave the Eastern States, and enter New York, the effects of the institution

become visible. Passing through the Jerseys, and entering Pennsylvania, every criterion of superior improvement witnesses the change. Proceed southwardly, and every step you take, through the great regions of slaves, presents a desert increasing with the increasing proportion of these wretched beings. Upon what principle is it that the slaves shall be computed in the representation? Are they men? Then make them citizens, and let them vote. Are they property? Why, then, is no other property included? The houses in this city (Philadelphia) are worth more than all the wretched slaves who cover the rice swamps of South Carolina. The admission of slaves into the representation, when fairly explained, comes to this: that the inhabitant of Georgia and South Carolina who goes to the coast of Africa, and, in defiance of the most sacred laws of humanity, tears away his fellow-creatures from their dearest connections, and damns them to the most cruel bondage, shall have more votes in a government instituted for protection of the rights of mankind, than the citizen of Pennsylvania or New Jersey who views with a laudable horror so nefarious a practice. He would add, that domestic slavery is the most prominent feature in the aristocratic countenance of the proposed Constitution. The vassalage of the poor has ever been the favorite offspring of aristocracy. And what is the proposed compensation to the Northern States for a sacrifice of every principle of right, of every impulse of humanity? They are to bind themselves to march their militia for the defence of the Southern States, for their defence against those very slaves of whom they complain. They must supply vessels and seamen, in case of foreign attack. The Legislature will have indefinite power to tax them by excises, and duties on imports; both of which will fall heavier on them than on the Southern inhabitants; for the bohea tea used by a Northern freeman will pay more tax than the whole consumption of the miserable slave, which consists of nothing more than his physical subsistence and the rag that covers his nakedness. On the other side, the South-

ern States are not to be restrained from importing fresh supplies of wretched Africans, at once to increase the danger of attack, and the difficulty of defence; nay, they are to be encouraged to it by an assurance of having their votes in the National Government increased in proportion; and are, at the same time, to have their exports and their slaves exempt from all contributions for the public service. Let it not be said that direct taxation is to be proportioned to representation. It is idle to suppose that the General Government can stretch its hand directly into the pockets of the people, scattered over so vast a country. They can only do it through the medium of exports, imports, and excises. For what, then, are all the sacrifices to be made? He would sooner submit himself to a tax for paying for all the negroes in the United States, than saddle posterity with such a Constitution.

Mr. DAYTON seconded the motion. He did it, he said, that his sentiments on the subject might appear, whatever might be the fate of the amendment.

Mr. SHERMAN did not regard the admission of the negroes into the ratio of representation as liable to such insuperable objections. It was the freemen of the Southern States who were, in fact, to be represented according to the taxes paid by them, and the negroes are only included in the estimate of the taxes. This was his idea of the matter.

Mr. PINCKNEY considered the fisheries, and the western frontier, as more burdensome to the United States than the slaves. He thought this could be demonstrated, if the occasion were a proper one.

Mr. WILSON thought the motion premature. An agreement to the clause would be no bar to the object of it.

On the question, on the motion to insert "free" before "inhabitants": New Jersey, aye — 1; New Hampshire, Massachusetts, Connecticut, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, no — 10. — pp. 1261-2-3-4-5-6.

THURSDAY, August 16, 1787.

Mr. MASON urged the necessity of connecting with the powers of levying taxes, duties, &c., the prohibition in Article 6, Section 4, "that no tax should be laid on exports."

He hoped the Northern States did not mean to deny the Southern this security.

Mr. GOUVERNEUR MORRIS considered such a proviso as inadmissible any where.

Mr. MADISON. Fourthly, the Southern States, being most in danger and most needing naval protection, could the less complain if the burden should be somewhat heaviest on them. And finally, we are not providing for the present moment only; and time will equalize the situation of the States in this matter. He was, for these reasons, against the motion.

Mr. MERCER. It had been said the Southern States had most need of naval protection. The reverse was the case. Were it not for promoting the carrying trade of the Northern States, the Southern States could let the trade go into foreign bottoms, where it would not need our protection. — pp. 1339–40–41–42.

TUESDAY, August 21, 1787.

Article 7, Section 3, was then resumed.

Mr. DICKINSON moved to postpone this, in order to reconsider Article 4, Section 4, and to *limit* the number of Representatives to be allowed to the large States. Unless this were done, the small States would be reduced to entire insignificance, and encouragement given to the importation of slaves.

Mr. SHERMAN would agree to such a reconsideration; but did not see the necessity of postponing the section before the House. Mr. DICKINSON withdrew his motion.

Article 7, Section 3, was then agreed to: ten ayes; Delaware alone, no. — p. 1379.

Article 7, Section 4, was then taken up.

Mr. LANGDON. By this section, the States are left at liberty to tax exports. This could not be admitted. It seems to be feared that the Northern States will oppress the trade

of the Southern. This may be guarded against by requiring the concurrence of two thirds, or three fourths, of the Legislature in such cases. — pp. 1382–3.

Mr. MADISON. As to the fear of disproportionate burdens on the more exporting States, it might be remarked that it was agreed, on all hands, that the revenue would principally be drawn from trade. — p. 1385.

Colonel MASON. A majority, when interested, will oppress the minority.

If we compare the States in this point of view, the eight Northern States have an interest different from the five Southern States; and have, in one branch of the Legislature, thirty-six votes against twenty-nine, and in the other in the proportion of eight against five. The Southern States had therefore ground for their suspicions. The case of exports was not the same with that of imports. — pp. 1386–7.

Mr. L. MARTIN proposed to vary Article 7, Section 4, so as to allow a prohibition or tax on the importation of slaves. In the first place, as five slaves are to be counted as three freemen in the apportionment of Representatives, such a clause would leave an encouragement to this traffic. In the second place, slaves weakened one part of the Union, which the other parts were bound to protect; the privilege of importing them was therefore unreasonable. And in the third place, it was inconsistent with the principles of the Revolution, and dishonorable to the American character, to have such a feature in the Constitution.

Mr. RUTLEDGE did not see how the importation of slaves could be encouraged by this section. He was not apprehensive of insurrections, and would readily exempt the other States from the obligation to protect the Southern against them. Religion and humanity had nothing to do with this question. Interest alone is the governing principle with nations. The true question at present is, whether the Southern States shall or shall not be parties to the Union. If the Northern States consult their interest, they will not oppose the in-

crease of slaves, which will increase the commodities of which they will become the carriers.

Mr. ELLSWORTH was for leaving the clause as it stands. Let every State import what it pleases. The morality or wisdom of slavery are considerations belonging to the States themselves. What enriches a part enriches the whole, and the States are the best judges of their particular interest. The Old Confederation had not meddled with this point; and he did not see any greater necessity for bringing it within the policy of the new one.

Mr. PINCKNEY. South Carolina can never receive the plan, if it prohibits the slave trade. In every proposed extension of the powers of Congress, that State has expressly and watchfully excepted that of meddling with the importation of negroes. If the States be all left at liberty on this subject, South Carolina may, perhaps, by degrees, do of herself what is wished, as Virginia and Maryland already have done. Adjourned. — pp. 1388–9.

WEDNESDAY, August 22, 1787.

In Convention. Article 7, Section 4, was resumed.

Mr. SHERMAN was for leaving the clause as it stands. He disapproved of the slave trade; yet as the States were now possessed of the right to import slaves, as the public good did not require it to be taken from them, and as it was expedient to have as few objections as possible to the proposed scheme of government, he thought it best to leave the matter as we find it. He observed, that the abolition of slavery seemed to be going on in the United States, and that the good sense of the several States would probably by degrees complete it. He urged on the Convention the necessity of despatching its business.

Colonel MASON. This infernal traffic originated in the avarice of British merchants. The British Government constantly checked the attempts of Virginia to put a stop to it. The present question concerns not the importing States alone, but the whole Union. The evil of having slaves was expe-

rienced during the late war. Had slaves been treated as they might have been by the enemy, they would have proved dangerous instruments in their hands. But their folly dealt by the slaves as it did by the tories. He mentioned the dangerous insurrections of the slaves in Greece and Sicily, and the instructions given by Cromwell to the commissioners sent to Virginia, to arm the servants and slaves, in case other means of obtaining its submission should fail. Maryland and Virginia, he said, had already prohibited the importation of slaves expressly. North Carolina had done the same in substance. All this would be in vain, if South Carolina and Georgia be at liberty to import. The Western people are already calling out for slaves for their new lands, and will fill that country with slaves, if they can be got through South Carolina and Georgia. Slavery discourages arts and manufactures. The poor despise labor when performed by slaves. They prevent the emigration of whites, who really enrich and strengthen a country. They produce the most pernicious effect on manners. Every master of slaves is born a petty tyrant. They bring the judgment of Heaven on a country. As nations cannot be rewarded or punished in the next world, they must be in this. By an inevitable chain of causes and effects, Providence punishes national sins by national calamities. He lamented that some of our Eastern brethren had, from a lust of gain, embarked in this nefarious traffic. As to the States being in possession of the right to import, this was the case with many other rights, now to be properly given up. He held it essential, in every point of view, that the General Government should have power to prevent the increase of slavery.

Mr. ELLSWORTH, as he had never owned a slave, could not judge of the effects of slavery on character. He said, however, that if it was to be considered in a moral light, we ought to go further, and free those already in the country. As slaves also multiply so fast in Virginia and Maryland that it is cheaper to raise than import them, whilst in the sickly rice

swamps foreign supplies are necessary, if we go no further than is urged, we shall be unjust towards South Carolina and Georgia. Let us not intermeddle. As population increases, poor laborers will be so plenty as to render slaves useless. Slavery, in time, will not be a speck in our country. Provision is already made in Connecticut for abolishing it. And the abolition has already taken place in Massachusetts. As to the danger of insurrections from foreign influence, that will become a motive to kind treatment of the slaves.

Mr. PINCKNEY. If slavery be wrong, it is justified by the example of all the world. He cited the case of Greece, Rome, and other ancient States; the sanction given by France, England, Holland, and other modern States. In all ages, one half of mankind have been slaves. If the Southern States were let alone, they will probably of themselves stop importations. He would himself, as a citizen of South Carolina, vote for it. An attempt to take away the right, as proposed, will produce serious objections to the Constitution, which he wished to see adopted.

Gen. PINCKNEY declared it to be his firm opinion that if himself and all his colleagues were to sign the Constitution, and use their personal influence, it would be of no avail towards obtaining the assent of their constituents. South Carolina and Georgia cannot do without slaves. As to Virginia, she will gain by stopping the importations. Her slaves will rise in value, and she has more than she wants. It would be unequal to require South Carolina and Georgia to confederate on such unequal terms. He said the Royal assent, before the Revolution, had never been refused to South Carolina, as to Virginia. He contended that the importation of slaves would be for the interest of the whole Union. The more slaves, the more produce to employ the carrying trade; the more consumption also; and the more of this, the more revenue for the common treasury. He admitted it to be reasonable that slaves should be dutied like other imports; but should consider a rejection of the clause as an exclusion of South Carolina from the Union.

Mr. BALDWIN had conceived national objects alone to be before the Convention; not such as, like the present, were of a local nature. Georgia was decided on this point. That State has always hitherto supposed a General Government to be the pursuit of the central States, who wished to have a vortex for every thing; that her distance would preclude her from equal advantage; and that she could not prudently purchase it by yielding national powers. From this it might be understood in what light she would view an attempt to abridge one of her favorite prerogatives. If left to herself, she may probably put a stop to the evil. As one ground for this conjecture, he took notice of the sect of ———, which he said was a respectable class of people, who carried their ethics beyond the mere *equality of men*, extending their humanity to the claims of the whole animal creation.

Mr. WILSON observed that if South Carolina and Georgia were themselves disposed to get rid of the importation of slaves in a short time, as had been suggested, they would never refuse to unite because the importation might be prohibited. As the section now stands, all articles imported are to be taxed. Slaves alone are exempt. This is in fact a bounty on that article.

Mr. GERRY thought we had nothing to do with the conduct of the States as to slaves, but ought to be careful not to give any sanction to it.

Mr. DICKINSON considered it as inadmissible, on every principle of honor and safety, that the importation of slaves should be authorized to the States by the Constitution. The true question was, whether the national happiness would be promoted or impeded by the importation; and this question ought to be left to the National Government, not to the States particularly interested. If England and France permit slavery, slaves are, at the same time, excluded from both those kingdoms. Greece and Rome were made unhappy by their slaves. He could not believe that the Southern States would refuse to confederate on the account apprehended; especially

as the power was not likely to be immediately exercised by the General Government.

Mr. WILLIAMSON stated the law of North Carolina on the subject, to wit, that it did not directly prohibit the importation of slaves. It imposed a duty of £5 on each slave imported from Africa; £10 on each from elsewhere; and £50 on each from a State licensing manumission. He thought the Southern States could not be members of the Union, if the clause should be rejected; and that it was wrong to force any thing down not absolutely necessary, and which any State must disagree to.

Mr. KING thought the subject should be considered in a political light only. If two States will not agree to the Constitution, as stated on one side, he could affirm, with equal belief, on the other, that great and equal opposition would be experienced from the other States. He remarked on the exemption of slaves from duty, whilst every other import was subjected to it, as an inequality that could not fail to strike the commercial sagacity of the Northern and Middle States.

Mr. LANGDON was strenuous for giving the power to the General Government. He could not, with a good conscience, leave it with the States, who could then go on with the traffic, without being restrained by the opinions here given, that they will themselves cease to import slaves.

Gen. PINCKNEY thought himself bound to declare candidly that he did not think South Carolina would stop her importations of slaves in any short time, but only stop them occasionally, as she now does. He moved to commit the clause, that slaves might be made liable to an equal tax with other imports; which he thought right, and which would remove one difficulty that had been started.

Mr. RUTLEDGE. If the Convention thinks that North Carolina, South Carolina, and Georgia, will ever agree to the plan, unless their right to import slaves be untouched, the expectation is vain. The people of those States will never be such fools as to give up so important an interest. He was

strenuous against striking out the section, and seconded the motion of Gen. PINCKNEY for a commitment.

Mr. GOUVERNEUR MORRIS wished the whole subject to be committed, including the clauses relating to taxes on exports and to a navigation act. These things may form a bargain among the Northern and Southern States.

Mr. BUTLER declared that he never would agree to the power of taxing exports.

Mr. SHERMAN said it was better to let the Southern States import slaves, than to part with them, if they made that a *sine qua non*. He was opposed to a tax on slaves imported, as making the matter worse, because it implied they were *property*. He acknowledged that if the power of prohibiting the importation should be given to the General Government, it would be exercised. He thought it would be its duty to exercise the power.

Mr. READ was for the commitment, provided the clause concerning taxes on exports should also be committed.

Mr. SHERMAN observed that that clause had been agreed to, and therefore could not be committed.

Mr. RANDOLPH was for committing, in order that some middle ground might, if possible, be found. He could never agree to the clause as it stands. He would sooner risk the Constitution. He dwelt on the dilemma to which the Convention was exposed. By agreeing to the clause, it would revolt the Quakers, the Methodists, and many others in the States having no slaves. On the other hand, two States might be lost to the Union. Let us, then, he said, try the chance of a commitment.

On the question for committing the remaining part of Sections 4 and 5 of Article 7: Connecticut, New Jersey, Maryland, Virginia, North Carolina, South Carolina, Georgia, aye — 7; New Hampshire, Pennsylvania, Delaware, no — 3; Massachusetts absent.

Mr. PINCKNEY and Mr. LANGDON moved to commit Section 6, as to a navigation act by two thirds of each House.

Mr. GORHAM did not see the propriety of it. Is it meant to require a greater proportion of votes? He desired it to be remembered, that the Eastern States had no motive to union but a commercial one. They were able to protect themselves. They were not afraid of external danger, and did not need the aid of the Southern States.

Mr. WILSON wished for a commitment, in order to reduce the proportion of votes required.

Mr. ELLSWORTH was for taking the plan as it is. This widening of opinions had a threatening aspect. If we do not agree on this middle and moderate ground, he was afraid we should lose two States, with such others as may be disposed to stand aloof; should fly into a variety of shapes and directions, and most probably into several confederations, — and not without bloodshed.

On the question for committing Section 6, as to a navigation act, to a member from each State: New Hampshire, Massachusetts, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, aye — 9; Connecticut, New Jersey, no — 2.

The Committee appointed were Messrs. LANGDON, KING, JOHNSON, LIVINGSTON, CLYMER, DICKINSON, L. MARTIN, MADISON, WILLIAMSON, C. C. PINCKNEY, and BALDWIN.

To this Committee were referred also the two clauses above mentioned of the fourth and fifth sections of Article 7. — pp. 1390 to 1397.

FRIDAY, August 24, 1787.

In Convention. Governor LIVINGSTON, from the committee of eleven, to whom were referred the two remaining clauses of the fourth section, and the fifth and sixth sections, of the seventh Article, delivered in the following Report: —

"Strike out so much of the fourth section as was referred to the Committee, and insert, 'The migration or importation of such persons as the several States, now existing, shall think proper to admit, shall not be prohibited by the Legislature prior to the year 1800; but a tax or duty may be imposed on

such migration or importation, at a rate not exceeding the average of the duties laid on imports.'

"The fifth Section to remain as in the Report.

"The sixth Section to be stricken out." — p. 1415.

SATURDAY, August 25, 1787.

The Report of the Committee of eleven (see Friday, the 24th) being taken up, —

Gen. PINCKNEY moved to strike out the words "the year eighteen hundred," as the year limiting the importation of slaves; and to insert the words "the year eighteen hundred and eight."

Mr. GORHAM seconded the motion.

Mr. MADISON. Twenty years will produce all the mischief that can be apprehended from the liberty to import slaves. So long a term will be more dishonorable to the American character than to say nothing about it in the Constitution.

On the motion, which passed in the affirmative: New Hampshire, Massachusetts, Connecticut, Maryland, North Carolina, South Carolina, Georgia, aye — 7; New Jersey, Pennsylvania, Delaware, Virginia, no — 4.

Mr. GOUVERNEUR MORRIS was for making the clause read at once, "The importation of slaves in North Carolina, South Carolina, and Georgia shall not be prohibited, &c." This, he said, would be most fair, and would avoid the ambiguity by which, under the power with regard to naturalization, the liberty reserved to the States might be defeated. He wished it to be known, also, that this part of the Constitution was a compliance with those States. If the change of language, however, should be objected to by the members from those States, he should not urge it.

Col. MASON was not against using the term "slaves," but against naming North Carolina, South Carolina, and Georgia, lest it should give offence to the people of those States.

Mr. SHERMAN liked a description better than the terms proposed, which had been declined by the old Congress, and were not pleasing to some people.

Mr. CLYMER concurred with Mr. SHERMAN.

Mr. WILLIAMSON said, that both in opinion and practice he was against slavery; but thought it more in favor of humanity, from a view of all circumstances, to let in South Carolina and Georgia on those terms, than to exclude them from the Union.

Mr. GOUVERNEUR MORRIS withdrew his motion.

Mr. DICKINSON wished the clause to be confined to the States which had not themselves prohibited the importation of slaves; and for that purpose moved to amend the clause, so as to read, "The importation of slaves into such of the States as shall permit the same shall not be prohibited by the Legislature of the United States until the year 1808;" which was disagreed to, *nem. con.**

The first part of the Report was then agreed to, amended as follows: "The migration or importation of such persons as the several States now existing shall think proper to admit, shall not be prohibited by the Legislature prior to the year 1808,"—

New Hampshire, Massachusetts, Connecticut, Maryland, North Carolina, South Carolina, Georgia, aye — 7; New Jersey, Pennsylvania, Delaware, Virginia, no — 4.

Mr. BALDWIN, in order to restrain and more explicitly define "the average duty," moved to strike out of the second part the words "average of the duties laid on imports," and insert "common impost on articles not enumerated," which was agreed to, *nem. con.*

Mr. SHERMAN was against this second part, as acknowledging men to be property, by taxing them as such under the character of slaves.

Mr. KING and Mr. LANGDON considered this as the price of the first part. Gen. PINCKNEY admitted that it was so.

Col. MASON. Not to tax will be equivalent to a bounty on the importation of slaves.

* In the printed Journals, Connecticut, Virginia, and Georgia voted in the affirmative.

Mr. GORHAM thought that Mr. SHERMAN should consider the duty, not as implying that slaves are property, but as a discouragement to the importation of them.

Mr. GOUVERNEUR MORRIS remarked that, as the clause now stands, it implies that the Legislature may tax freemen imported.

Mr. SHERMAN, in answer to Mr. GORHAM, observed that the smallness of the duty showed revenue to be the object, not the discouragement of the importation.

Mr. MADISON thought it wrong to admit in the Constitution the idea that there could be property in men. The reason of duties did not hold, as slaves are not, like merchandise, consumed, &c.

Col. MASON, in answer to Mr. GOUVERNEUR MORRIS. The provision, as it stands, was necessary for the case of convicts, in order to prevent the introduction of them.

It was finally agreed, *nem. con.*, to make the clause read, "But a tax or duty may be imposed on such importation, not exceeding ten dollars for each person;" and then the second part, as amended, was agreed to. — pp. 1427 to 30.

TUESDAY, August 28, 1787.

Article 14 was then taken up.*

General PINCKNEY was not satisfied with it. He seemed to wish some provision should be included in favor of property in slaves.

On the question on Article 14: New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, aye — 9; South Carolina, no — 1; Georgia, divided.

Article 15 † being then taken up, the words "high misdemeanor" were struck out, and the words "other crime" in-

* [Article 14 was — The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States. — EDITOR.]

† [Article 15 was — Any person charged with treason, felony, or high misdemeanor in any State, who shall flee from justice, and shall be found in any other State, shall, on demand of the Executive power of the State from which he fled, be delivered up and removed to the State having jurisdiction of the offence. — EDITOR.]

serted, in order to comprehend all proper cases; it being doubtful whether "high misdemeanor" had not a technical meaning too limited.

Mr. BUTLER and Mr. PINCKNEY moved to require "fugitive slaves and servants to be delivered up like criminals."

Mr. WILSON. This would oblige the Executive of the State to do it, at the public expense.

Mr. SHERMAN saw no more propriety in the public seizing and surrendering a slave or servant, than a horse.

Mr. BUTLER withdrew his proposition, in order that some particular provision might be made, apart from this article.

Article 15, as amended, was then agreed to, *nem. con.* — pp. 1447–8.

WEDNESDAY, August 29, 1787.

Article 7, Section 6, by the Committee of Eleven reported to be struck out (see the twenty-fourth inst.) being now taken up, —

Mr. PINCKNEY moved to postpone the Report, in favor of the following proposition: "That no act of the Legislature for the purpose of regulating the Commerce of the United States with foreign powers, among the several States, shall be passed without the assent of two thirds of the members of each House." He remarked that there were five distinct commercial interests.

The power of regulating commerce was a pure concession on the part of the Southern States. They did not need the protection of the Northern States at present. — p. 1450.

General PINCKNEY said it was the true interest of the Southern States to have no regulation of commerce; but considering the loss brought on the commerce of the Eastern States by the Revolution, their liberal conduct towards the views * of South Carolina, and the interest the weak Southern States had in being united with the strong Eastern States, he

* He meant the permission to import slaves. An understanding on the two subjects of *navigation* and *slavery* had taken place between those parts of the Union, which explains the vote on the motion pending, as well as the language of General Pinckney and others.

thought it proper that no fetters should be imposed on the power of making commercial regulations, and that his constituents, though prejudiced against the Eastern States, would be reconciled to this liberality. He had, himself, he said, prejudices against the Eastern States before he came here, but would acknowledge that he had found them as liberal and candid as any men whatever. — p. 1451.

Mr. PINCKNEY replied, that his enumeration meant the five minute interests. It still left the two great divisions of Northern and Southern interests.

Mr. GOUVERNEUR MORRIS opposed the object of the motion as highly injurious. A navy was essential to security, particularly of the Southern States.

Mr. WILLIAMSON. As to the weakness of the Southern States, he was not alarmed on that account. The sickliness of their climate for invaders would prevent their being made an object. He acknowledged that he did not think the motion requiring two thirds necessary in itself; because if a majority of the Northern States should push their regulations too far, the Southern States would build ships for themselves; but he knew the Southern people were apprehensive on this subject, and would be pleased with the precaution.

Mr. SPAIGHT was against the motion. The Southern States could at any time save themselves from oppression, by building ships for their own use. — p. 1452.

Mr. BUTLER differed from those who considered the rejection of the motion as no concession on the part of the Southern States. He considered the interest of these and of the Eastern States to be as different as the interests of Russia and Turkey. Being, notwithstanding, desirous of conciliating the affections of the Eastern States, he should vote against requiring two thirds instead of a majority. — p. 1453.

Mr. MADISON. He added, that the Southern States would derive an essential advantage, in the general security afforded by the increase of our maritime strength. He stated the vulnerable situation of them all, and of Virginia in par-

Mr. RUTLEDGE was against the motion of his colleague. At the worst, a navigation act could bear hard a little while only on the Southern States. As we are laying the foundation for a great empire, we ought to take a permanent view of the subject, and not look at the present moment only.

Mr. GORHAM. The Eastern States were not led to strengthen the Union by fear for their own safety.

He deprecated the consequences of disunion; but if it should take place, it was the Southern part of the Continent that had most reason to dread them.

On the question to postpone, in order to take up Mr. PINCKNEY'S motion:

Maryland, Virginia, North Carolina, Georgia, aye — 4; New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, South Carolina, no — 7. The Report of the Committee for striking out Section 6, requiring two thirds of each House to pass a navigation act, was then agreed to, *nem. con.*

Mr. BUTLER moved to insert after Article 15, "If any person bound to service or labor in any of the United States, shall escape into another State, he or she shall not be discharged from such service or labor, in consequence of any regulations subsisting in the State to which they escape, but shall be delivered up to the person justly claiming their service or labor," which was agreed to, *nem. con.* — pp. 1454–5–6.

THURSDAY, August 30, 1787.

Article 18, being taken up,

On a question for striking out "domestic violence," and inserting "insurrections," it passed in the negative: New Jersey, Virginia, North Carolina, South Carolina, Georgia, aye — 5; New Hampshire, Massachusetts, Connecticut, Pennsylvania, Delaware, Maryland, no — 6. — pp. 1466–7.

MONDAY, September 10, 1787.

Mr. RUTLEDGE said he never could agree to give a power by which the articles relating to slaves might be altered by the States not interested in that property, and prejudiced

against it. In order to obviate this objection, these words were added to the proposition: "provided that no amendments, which may be made prior to the year 1808, shall in any manner affect the fourth and fifth sections of the seventh Article." — p. 1536.

THURSDAY, September 13, 1787.

Article 1; Section 2. On motion of Mr. RANDOLPH, the word "servitude" was struck out, and "service" unanimously * inserted, the former being thought to express the condition of slaves, and the latter the obligations of free persons.

Mr. DICKINSON and Mr. WILSON moved to strike out, "and direct taxes," from Article 1, Section 2, as improperly placed in a clause relating merely to the Constitution of the House of Representatives.

Mr. GOUVERNEUR MORRIS. The insertion here was in consequence of what had passed on this point; in order to exclude the appearance of counting the negroes in the *representation.* The including of them may now be referred to the object of direct taxes, and incidentally only to that of representation.

On the motion to strike out, "and direct taxes," from this place:

New Jersey, Delaware, Maryland, aye — 3; New Hampshire, Massachusetts, Connecticut, Pennsylvania, Virginia North Carolina, South Carolina, Georgia, no — 8. — pp 1569–70.

SATURDAY, September 15, 1787.

Article 4, Section 2, (the third paragraph,) the term "legally" was struck out; and the words, "under the laws thereof," inserted after the word "State," in compliance with the wish of some who thought the term *legal* equivocal, and favoring the idea that slavery was legal in a moral view. — p. 1589.

Mr. GERRY stated the objections which determined him to withhold his name from the Constitution: 1–2–3–4–5–6, that

* See page 872 of the printed journal.

three fifths of the blacks were to be represented as if they were freemen. — p. 1595.

LIST OF MEMBERS

OF THE FEDERAL CONVENTION WHO FORMED THE CONSTITUTION OF THE UNITED STATES.

From			*Attended*
New Hampshire,	1	John Langdon,	July 23, 1787.
		John Pickering,	
	2	Nicholas Gilman,	" 23,
		Benjamin West.	
Massachusetts,		*Francis Dana,*	
		Elbridge Gerry,	May 29,
	3	Nath'l Gorham,	" 28,
	4	Rufus King,	" 25,
		Caleb Strong,	" 28.
Rhode Island,		(No appointment.)	
Connecticut,	5	W. S. Johnson,	June 2,
	6	Roger Sherman,	May 30,
		Oliver Ellsworth,	" 29.
New York,		Robert Yates,	" 25,
	7	Alex'r Hamilton,	" 25,
		John Lansing,	June 2.
New Jersey,	8	Wm. Livingston,	" 5,
	9	David Brearly,	May 25,
		Wm. C. Houston,	" 25,
	10	Wm. Patterson,	" 25,
		John Nielson,	
		Abraham Clark,	
	11	Jonathan Dayton,	June 21.
Pennsylvania,	12	Benj. Franklin,	May 28,
	13	Thos. Mifflin,	" 28,
	14	Robert Morris,	" 25,
	15	Geo. Clymer,	" 28,
	16	Thos. Fitzsimons,	" 25,

From			*Attended*
Pennsylvania,	17	Jared Ingersoll,	May 28, 1787.
	18	James Wilson,	" 25,
	19	Gouv'r Morris,	" 25.
Delaware,	20	Geo. Reed,	" 25,
	21	G. Bedford, Jr.,	" 28,
	22	John Dickinson,	" 28,
	23	Richard Bassett,	" 25,
	24	Jacob Broom,	" 25.
Maryland,	25	James M'Henry,	" 29,
	26	Daniel of St. Tho. Jenifer,	June 2,
	27	Daniel Carroll,	July 9,
		John F. Mercer,	Aug. 6,
		Luther Martin,	June 9.
Virginia,	28	Geo. Washington,	May 25,
		Patrick Henry, (declined.)	
		Edmund Randolph,	" 25,
	29	John Blair,	" 25,
	30	Jas. Madison, Jr.,	" 25,
		George Mason,	" 25,
		George Wythe,	" 25,
		James McClurg, (in room of P. Henry,)	" 25.
North Carolina,		*Rich'd Caswell*, (resigned.)	
		Alex'r Martin,	" 25,
		Wm. R. Davie,	" 25,
	31	Wm. Blount, (in room of R. Caswell,)	June 20,
		Willie Jones, (declined.)	
	32	R. D. Spaight,	May 25,
	33	Hugh Williamson, (in room of W. Jones,)	" 25.
South Carolina,	34	John Rutledge,	" 25,
	35	Chas. C. Pinckney.	" 25,
	36	Chas. Pinckney,	" 25,
	37	Peirce Butler,	" 25.

From			*Attended*
Georgia,	38	William Few,	May 25, 1787.
	39	Abr'm Baldwin,	June 11,
		William Pierce,	May 31,
		George Walton.	
		Wm. Houston,	June 1,
		Nath'l Pendleton.	

Those with numbers before their names signed the Constitution, ... 39
Those in italics never attended, ... 10
Members who attended, but did not sign the Constitution, ... 16
— 65

Extracts from a Speech of Luther Martin, (delivered before the Legislature of Maryland,) one of the Delegates from Maryland to the Convention that formed the Constitution of the United States.

WITH respect to that part of the *second* section of the *first* Article, which relates to the apportionment of representation and direct taxation, there were considerable objections made to it, besides the great objection of inequality. — It was urged, that no principle could justify taking *slaves* into computation in apportioning the number of *representatives* a State should have in the government — That it involved the absurdity of increasing the power of a State in making laws for *free men* in proportion as that State violated the rights of freedom — That it might be proper to take slaves into consideration, when *taxes* were to be apportioned, because it had a tendency to *discourage slavery;* but to take them into account in giving representation tended to *encourage* the *slave trade*, and to make it the *interest* of the States to *continue* that *infamous traffic* —

That slaves could not be taken into account as *men*, or *citizens*, because they were not admitted to the *rights of citizens*, in the States which adopted or continued slavery — If they were to be taken into account as *property*, it was asked what peculiar circumstance should render this property (of all others the most odious in its nature) entitled to the high privilege of conferring consequence and power in the government to its possessors, rather than *any other* property: and why *slaves* should, as property, be taken into account, rather than horses, cattle, mules, or any other species; and it was observed by an honorable member from Massachusetts, that he considered it as dishonorable and humiliating to enter into compact with the *slaves* of the *Southern States*, as it would with the *horses* and *mules* of the *Eastern*.

By the ninth section of this Article, the importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited prior to the year 1808, but a duty may be imposed on such importation, not exceeding ten dollars for each person.

The design of this clause is to prevent the general government from prohibiting the importation of slaves; but the same reasons which caused them to strike out the word "national," and not admit the word "stamps," influenced them here to guard against the word "*slaves*." They anxiously sought to avoid the admission of expressions which might be odious in the ears of Americans, although they were willing to admit into their system those *things* which the expressions signified; and hence it is that the clause is so worded as really to authorize the general government to impose a duty of ten dollars on every foreigner who comes into a State to become a citizen, whether he comes absolutely free, or qualifiedly so as a servant; although this is contrary to the design of the framers, and the duty was only meant to extend to the importation of slaves.

This clause was the subject of a great diversity of sentiment in the Convention. As the system was reported by the

Committee of Detail, the provision was general, that such importation should not be prohibited, without confining it to any particular period. This was rejected by eight States — Georgia, South Carolina, and, I think, North Carolina, voting for it.

We were then told by the delegates of the first two of those States, that their States would never agree to a system, which put it in the power of the General Government to prevent the importation of slaves, and that they, as delegates from those States, must withhold their assent from such a system.

A committee of one member from each State was chosen by ballot, to take this part of the system under their consideration, and to endeavor to agree upon some report which should reconcile those States. To this committee also was referred the following proposition, which had been reported by the Committee of Detail, to wit: "No navigation act shall be passed without the assent of two thirds of the members present in each house;" a proposition which the staple and commercial States were solicitous to retain, lest their commerce should be placed too much under the power of the Eastern States; but which these last States were as anxious to reject. This committee, of which also I had the honor to be a member, met and took under their consideration the subjects committed to them. I found the *Eastern* States, notwithstanding their *aversion to slavery*, were very willing to indulge the Southern States, at least with a temporary liberty to prosecute the *slave trade*, provided the Southern States would in their turn gratify them, by laying no restriction on navigation acts; and after a very little time, the committee, by a great majority, agreed on a report, by which the general government was to be prohibited from preventing the importation of slaves for a limited time, and the restricted clause relative to navigation acts was to be omitted.

This report was adopted by a majority of the Convention, but not without considerable opposition.

It was said, we had just assumed a place among independent nations, in consequence of our opposition to the attempts

of Great Britain to *enslave us;* that this opposition was grounded upon the preservation of those rights to which God and Nature had entitled us, not in *particular*, but in *common* with all the rest of mankind; that we had appealed to the Supreme Being for his assistance, as the God of freedom, who could not but approve our efforts to preserve the *rights* which he had thus imparted to his creatures; that now, when we had scarcely risen from our knees, from supplicating his mercy and protection in forming our government over a free people, — a government formed pretendedly on the principles of liberty, and for its preservation, — in that government to have a provision not only putting it out of its power to restrain and prevent the slave trade, even encouraging that most infamous traffic, by giving the States the power and influence in the Union in proportion as they cruelly and wantonly sported with the rights of their fellow-creatures, ought to be considered as a solemn mockery of, and an insult to, that God whose protection we had then implored, and could not fail to hold us up in detestation, and render us contemptible to every true friend of liberty in the world. It was said, it ought to be considered that national crimes can only be, and frequently are, punished in this world by national punishments; and that the continuance of the slave trade, and thus giving it a national sanction and encouragement, ought to be considered as justly exposing us to the displeasure and vengeance of Him who is equally Lord of all, and who views with equal eye the poor African slave and his American master.

It was urged, that by this system we were giving the General Government full and absolute power to regulate commerce, under which general power it would have a right to restrain, or totally prohibit, the slave trade: it must, therefore, appear to the world absurd and disgraceful to the last degree, that we should except from the exercise of that power the only branch of commerce which is unjustifiable in its nature, and contrary to the rights of mankind. That, on the contrary, we ought rather to prohibit expressly in our Con-

stitution the further importation of slaves, and to authorize the General Government, from time to time, to make such regulations as should be thought most advantageous for the gradual abolition of slavery, and the emancipation of the slaves which are already in the States. That slavery is inconsistent with the genius of republicanism, and has a tendency to destroy those principles on which it is supported, as it lessens the sense of the equal rights of mankind, and habituates us to tyranny and oppression. It was further urged, that, by this system of government, every State is to be protected both from foreign invasion and from domestic insurrection; from this consideration, it was of the utmost importance it should have a power to restrain the importation of slaves; since, in proportion as the number of slaves is increased in any State, in the same proportion the State is weakened, and exposed to foreign invasion or domestic insurrection; and by so much less will it be able to protect itself against either, and therefore will by so much the more want aid from, and be a burden to, the Union.

It was further said, that, as in this system we were giving the General Government a power, under the idea of national character, or national interest, to regulate even our weights and measures, and had prohibited all possibility of emitting paper money, and passing insolvent laws, &c., it must appear still more extraordinary, that we should prohibit the government from interfering with the slave trade, than which nothing could so materially affect both our national honor and interest.

These reasons influenced me, both on the committee and in convention, most decidedly to oppose and vote against the clause as it now makes part of the system.

You will perceive, sir, not only that the General Government is prohibited from interfering in the slave trade before the year eighteen hundred and eight, but that there is no provision in the Constitution that it shall afterwards be prohibited, nor any security that such prohibition will ever take

place; and I think there is great reason to believe, that, if the importation of slaves is permitted until the year eighteen hundred and eight, it will not be prohibited afterwards. At this time we do not generally hold this commerce in so great abhorrence as we have done. When our liberties were at stake, we warmly felt for the common rights of men. The danger being thought to be past, which threatened ourselves, we are daily growing more insensible to those rights. In those States which have restrained or prohibited the importation of slaves, it is only done by legislative acts, which may be repealed. When those States find that they must, in their national character and connection, suffer in the disgrace, and share in the inconveniences, attendant upon that detestable and iniquitous traffic, they may be desirous also to share in the benefits arising from it; and the odium attending it will be greatly effaced by the sanction which is given to it in the General Government.

By the next paragraph, the General Government is to have a power of suspending the *habeas corpus act* in cases of *rebellion* or *invasion.*

As the State governments have a power of suspending the habeas corpus act in those cases, it was said, there could be no reason for giving such a power to the General Government; since, whenever the State which is invaded, or in which an insurrection takes place, finds its safety requires it, it will make use of that power. And it was urged, that if we gave this power to the General Government, it would be an engine of oppression in its hands; since whenever a State should oppose its views, however arbitrary and unconstitutional, and refuse submission to them, the General Government may declare it to be an act of rebellion, and, suspending the habeas corpus act, may seize upon the persons of those advocates of freedom who have had virtue and resolution enough to excite the opposition, and may imprison them during its pleasure in the remotest part of the Union; so that a citizen of Georgia might be *bastiled* in the farthest part of

New Hampshire; or a citizen of New Hampshire in the farthest extreme of the South, cut off from their family, their friends, and their every connection. These considerations induced me, sir, to give my negative also to this clause.

Extracts from Debates in the several State Conventions on the Adoption of the United States Constitution.

MASSACHUSETTS CONVENTION.

The third paragraph of the 2d section having been read,

Mr. KING rose to explain it. There has, says he, been much misconception of this section. It is a principle of this Constitution, that representation and taxation should go hand in hand. This paragraph states, that the number of free persons shall be determined, by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. These persons are the slaves. By this rule are representation and taxation to be apportioned. And it was adopted, because it was the language of all America.

Mr. WIDGERY asked, whether a boy of six years of age was to be considered as a free person.

Mr. KING in answer said, all persons born free were to be considered as freemen; and to make the idea of *taxation by numbers* more intelligible, said that five negro children of South Carolina are to pay as much tax as the three Governors of New Hampshire, Massachusetts and Connecticut.

Mr. GORHAM thought the proposed section much in favor of Massachusetts; and if it operated against any State, it was Pennsylvania, because they have more white persons *bound* than any other.

Judge DANA, in reply to the remark of some gentleman, that the Southern States were favored in this mode of apportionment, by having five of their negroes set against three persons in the Eastern, observed, that the negroes of the Southern States work no longer than when the eye of the driver is on them. Can, asked he, that land flourish like this, which is cultivated by the hands of freemen? Are not *three* of these independent freemen of more real advantage to a State, than *five* of those poor slaves?

Mr. NASON remarked on the statement of the honorable Mr. KING, by saying that the honorable gentleman should have gone further, and shown us the other side of the question. It is a good rule that works both ways — and the gentleman should also have told us, that three of our infants in the cradle are to be rated as high as five of the working negroes of Virginia. Mr. N. adverted to a statement of Mr. KING, who had said, that five negro children of South Carolina were equally ratable as three Governors of New England, and wished, he said, the honorable gentleman had considered this question upon the other side — as it would then appear that this State will pay as great a tax for three children in the cradle, as any of the Southern States will for five hearty, working negro men. He hoped, he said, while we were making a new government, we should make it better than the old one; for if we had made a bad bargain before, as had been hinted, it was a reason why we should make a better one now.

Mr. DAWES said, he was sorry to hear so many objections raised against the paragraph under consideration. He thought them wholly unfounded; that the black inhabitants of the Southern States must be considered either as slaves, and as so much property, or in the character of so many freemen. If the former, why should they not be wholly represented? Our *own* State laws and Constitution would lead us to consider those blacks as *freemen*, and so indeed would our own ideas of natural justice: if, then, they are freemen,

they might form an equal basis for representation as though they were all white inhabitants. In either view, therefore, he could not see that the Northern States would suffer, but directly to the contrary. He thought, however, that gentlemen would do well to connect the passage in dispute with another article in the Constitution, that permits Congress, in the year 1808, wholly to prohibit the importation of slaves, and in the mean time to impose a duty of ten dollars a head on such blacks as should be imported before that period. Besides, by the new Constitution, every particular State is left to its own option totally to prohibit the introduction of slaves into its own territories. What could the Convention do more? The members of the Southern States, like ourselves, have *their* prejudices. It would not do to abolish slavery, by an act of Congress, in a moment, and so destroy what our southern brethren consider as property. But we may say, that although slavery is not smitten by an apoplexy, yet it has received a mortal wound, and will die of a consumption.

Mr. NEAL (from Kittery) went over the ground of objection to this section on the idea that the slave trade was allowed to be continued for 20 years. His profession, he said, obliged him to bear witness against any thing that should favor the making merchandise of the bodies of men, and unless his objection was removed, he could not put his hand to the Constitution. Other gentlemen said, in addition to this idea, that there was not even a proposition that the negroes ever shall be free, and Gen. THOMPSON exclaimed:

Mr. President, shall it be said, that after we have established our own independence and freedom, we make slaves of others? O! Washington, what a name has he had! How he has immortalized himself! But he holds those in slavery who have as good a right to be free as he has — he is still for self; and, in my opinion, his character has sunk 50 per cent.

On the other side, gentlemen said that the step taken in this article towards the abolition of slavery was one of the beauties of the Constitution. They observed, that in the Con-

federation there was no provision whatever for its ever being abolished; but this Constitution provides, that Congress may, after 20 years, totally annihilate the slave trade; and that, as all the States, except two, have passed laws to this effect, it might reasonably be expected that it would then be done. In the interim, all the States were at liberty to prohibit it.

SATURDAY, January 26. — [The debate on the 9th section still continued desultory — and consisted of similar objections, and answers thereto, as had before been used. Both sides deprecated the slave trade in the most pointed terms. On one side it was pathetically lamented, by Mr. NASON, Major LUSK, Mr. NEAL, and others, that this Constitution provided for the continuation of the slave trade for 20 years. On the other, the honorable Judge DANA, Mr. ADAMS, and others, rejoiced that a door was now to be opened for the annihilation of this odious, abhorrent practice, in a certain time.]

Gen. HEATH. Mr. President, — By my indisposition and absence, I have lost several important opportunities: I have lost the opportunity of expressing my sentiments with a candid freedom, on some of the paragraphs of the system, which have lain heavy on my mind. I have lost the opportunity of expressing my warm approbation on some of the paragraphs. I have lost the opportunity of hearing those judicious, enlightening, and convincing arguments, which have been advanced during the investigation of the system. This is my misfortune, and I must bear it. The paragraph respecting the migration or importation of such persons as any of the States now existing shall think proper to admit, &c., is one of those considered during my absence, and I have heard nothing on the subject, save what has been mentioned this morning; but I think the gentlemen who have spoken, have carried the matter rather too far on both sides. I apprehend that it is not in our power to do any thing for or against those who are in slavery in the Southern States. No gentleman within these walls detests every idea of slavery more than I do; it is generally detested by the people of this Commonwealth; and I

ardently hope that the time will soon come, when our brethren in the Southern States will view it as we do, and put a stop to it; but to this we have no right to compel them. Two questions naturally arise: if we ratify the Constitution, shall we do any thing by our act to hold the blacks in slavery — or shall we become the partakers of other men's sins? I think neither of them. Each State is sovereign and independent, to a certain degree, and they have a right, and will regulate their own internal affairs as to themselves appears proper; and shall we refuse to eat, or to drink, or to be united with those who do not think, or act, just as we do? Surely not. We are not in this case partakers of other men's sins, for in nothing do we voluntarily encourage the slavery of our fellow-men. A restriction is laid on the Federal Government, which could not be avoided, and a union take place. The Federal Convention went as far as they could; the migration or importation, &c., is confined to the States now *existing only;* new States cannot claim it. Congress, by their ordinance for erecting new States some time since, declared that the new States shall be republican, and that there shall be no slavery in them. But whether those in slavery in the Southern States will be emancipated after the year 1808, I do not pretend to determine: I rather doubt it.

Mr. NEAL rose and said, that as the Constitution at large was now under consideration, he would just remark, that the article which respected the Africans, was the one which lay on his mind — and, unless his objections to that were removed, it must, how much soever he liked the other parts of the Constitution, be a sufficient reason for him to give his negative to it.

Major LUSK concurred in the idea already thrown out in the debate, that although the insertion of the amendments in the Constitution was devoutly wished, yet he did not see any reason to suppose they ever would be adopted. Turning from the subject of amendments, the Major entered largely into the consideration of the 9th section, and in the most pathetic

and feeling manner described the miseries of the poor natives of Africa, who are kidnapped and sold for slaves. With the brightest colors he painted their happiness and ease on their native shores, and contrasted them with their wretched, miserable, and unhappy condition, in a state of slavery.

Rev. Mr. BACKUS. Much, sir, has been said about the importation of slaves into this country. I believe that, according to my capacity, no man abhors that wicked practice more than I do, and would gladly make use of all lawful means towards the abolishing of slavery in all parts of the land. But let us consider where we are, and what we are doing. In the articles of confederation, no provision was made to hinder the importation of slaves into any of these States: but a door is now opened hereafter to do it; and each State is at liberty now to abolish slavery as soon as they please. And let us remember our former connection with Great Britain, from whom many in our land think we ought not to have revolted. How did they carry on the slave trade? I know that the Bishop of Gloucester, in an annual sermon in London, in February, 1766, endeavored to justify their tyrannical claims of power over us, by casting the reproach of the slave trade upon the Americans. But at the close of the war, the Bishop of Chester, in an annual sermon, in February, 1783, ingenuously owned, that their nation is the most deeply involved in the guilt of that trade of any nation in the world; and also, that they have treated their slaves in the West Indies worse than the French or Spaniards have done theirs. Thus slavery grows more and more odious through the world; and, as an honorable gentleman said some days ago, "Though we cannot say that slavery is struck with an apoplexy, yet we may hope it will die with a consumption." And a main source, sir, of that iniquity has been an abuse of the covenant of circumcision, which gave the seed of Abraham to destroy the inhabitants of Canaan, and to take their houses, vineyards, and all their estates, as their own; and also to buy and hold others as servants. And

as Christian privileges are greater than those of the Hebrews were, many have imagined that they had a right to seize upon the lands of the heathen, and to destroy or enslave them as far as they could extend their power. And from thence the mystery of iniquity carried many into the practice of making merchandise of slaves and souls of men. But all ought to remember, that when God promised the land of Canaan to Abraham and his seed, he let him know that they were not to take possession of that land, until the iniquity of the Amorites was full; and then they did it under the immediate direction of Heaven; and they were as real executors of the judgment of God upon those heathens, as any person ever was an executor of a criminal justly condemned. And in doing it they were not allowed to invade the lands of the Edomites, who sprang from Esau, who was not only of the seed of Abraham, but was born at the same birth with Israel; and yet they were not of that church. Neither was Israel allowed to invade the lands of the Moabites, or of the children of Ammon, who were of the seed of Lot. And no officer in Israel had any legislative power but such as were immediately inspired. Even David, the man after God's own heart, had no legislative power, but only as he was inspired from above: and he is expressly called a *prophet* in the New Testament. And we are to remember that Abraham and his seed, for four hundred years, had no warrant to admit any stranger into that church but by buying of him as a servant, with money. And it was a great privilege to be bought, and adopted into a religious family for seven years, and then to have his freedom. And that covenant was expressly repealed in various parts of the New Testament; and particularly in the first epistle to the Corinthians, wherein it is said — "Ye are bought with a price; therefore glorify God in your body, and in your spirit, which are God's." And again — "Circumcision is nothing, and uncircumcision is nothing, but keeping of the commandments of God. Ye are bought with a price; be not ye the servants of men." Thus the gospel sets all men upon a level, very con-

trary to the declaration of an honorable gentleman in this house, "that the Bible was contrived for the advantage of a particular order of men."

NEW YORK CONVENTION.

Mr. M. SMITH. He would now proceed to state his objections to the clause just read, (section 2, of article 1, clause 3.) His objections were comprised under three heads: 1st, the rule of apportionment is unjust; 2d, there is no precise number fixed on, below which the house shall not be reduced; 3d, it is inadequate. In the first place, the rule of apportionment of the representatives is to be according to the whole number of the white inhabitants, with three fifths of all others; that is, in plain English, each State is to send representatives in proportion to the number of freemen, and three fifths of the slaves it contains. He could not see any rule by which slaves were to be included in the ratio of representation; — the principle of representation being that every free agent should be concerned in governing himself, it was absurd to give that power to a man who could not exercise it. Slaves have no will of their own. The very operation of it was to give certain privileges to those people who were so wicked as to keep slaves. He knew it would be admitted, that this rule of apportionment was founded on unjust principles, but that it was the result of accommodation; which, he supposed, we should be under the necessity of admitting, if we meant to be in union with the Southern States, though utterly repugnant to his feelings.

Mr. HAMILTON. In order that the committee may understand clearly the principles on which the General Convention acted, I think it necessary to explain some preliminary circumstances.

Sir, the natural situation of this country seems to divide its interests into different classes. There are navigating and non-navigating States. The Northern are properly the navigating

States: the Southern appear to possess neither the means nor the spirit of navigation. This difference of situation naturally produces a dissimilarity of interest and views respecting foreign commerce. It was the interest of the Northern States that there should be no restraints on their navigation, and that they should have full power, by a majority in Congress, to make commercial regulations in favor of their own, and in restraint of the navigation of foreigners. The Southern States wished to impose a restraint on the Northern, by requiring that two thirds in Congress should be requisite to pass an act in regulation of commerce: they were apprehensive that the restraints of a navigation law would discourage foreigners, and by obliging them to employ the shipping of the Northern States, would probably enhance their freight. This being the case, they insisted strenuously on having this provision engrafted in the Constitution; and the Northern States were as anxious in opposing it. On the other hand, the small States seeing themselves embraced by the confederation upon equal terms, wished to retain the advantages which they already possessed: the large States, on the contrary, thought it improper that Rhode Island and Delaware should enjoy an equal suffrage with themselves: from these sources a delicate and difficult contest arose. It became necessary, therefore, to compromise; or the Convention must have dissolved without effecting any thing. Would it have been wise and prudent in that body, in this critical situation, to have deserted their country? No. Every man who hears me — every wise man in the United States, would have condemned them. The Convention were obliged to appoint a committee for accommodation. In this committee the arrangement was formed as it now stands; and their report was accepted. It was a delicate point; and it was necessary that all parties should be indulged. Gentlemen will see, that if there had not been a unanimity, nothing could have been done: for the Convention had no power to establish, but only to recommend a government. Any other system would have been impracticable. Let a

convention be called to-morrow — let them meet twenty times; nay, twenty thousand times; they will have the same difficulties to encounter — the same clashing interests to reconcile.

But, dismissing these reflections, let us consider how far the arrangement is in itself entitled to the approbation of this body. We will examine it upon its own merits.

The first thing objected to is that clause which allows a representation for three fifths of the negroes. Much has been said of the impropriety of representing men, who have no will of their own. Whether this be reasoning or declamation, I will not presume to say. It is the unfortunate situation of the Southern States to have a great part of their population, as well as property, in blacks. The regulations complained of was one result of the spirit of accommodation which governed the Convention; and without this indulgence, no Union could possibly have been formed. But, sir, considering some peculiar advantages which we derived from them, it is entirely just that they should be gratified. The Southern States possess certain staples, (tobacco, rice, indigo, &c.,) which must be capital objects in treaties of commerce with foreign nations; and the advantage which they necessarily procure in these treaties will be felt throughout all the States. But the justice of this plan will appear in another view. The best writers on government have held that representation should be compounded of persons and property. This rule has been adopted, as far as it could be, in the Constitution of New York. It will, however, by no means be admitted, that the slaves are considered altogether as property. They are men, though degraded to the condition of slavery. They are persons known to the municipal laws of the States which they inhabit, as well as to the laws of nature. But representation and taxation go together — and one uniform rule ought to apply to both. Would it be just to compute these slaves in the assessment of taxes, and discard them from the estimate in the apportionment of representatives? Would it be just to impose a singular burden, without conferring some adequate advan-

tage? Another circumstance ought to be considered. The rule we have been speaking of is a general rule, and applies to all the States. Now, you have a great number of people in your State, which are not represented at all, and have no voice in your government: these will be included in the enumeration — not two fifths — nor three fifths, but the whole. This proves that the advantages of the plan are not confined to the Southern States, but extend to other parts of the Union.

Mr. M. SMITH. I shall make no reply to the arguments offered by the honorable gentleman to justify the rule of apportionment fixed by this clause: for though I am confident they might be easily refuted, yet I am persuaded we must yield this point, in accommodation to the Southern States. The amendment, therefore, proposes no alteration to the clause in this respect.

Mr. HARRISON. Among the objections, that which has been made to the mode of apportionment of representatives has been relinquished. I think this concession does honor to the gentleman who has stated the objection. He has candidly acknowledged that this apportionment was the result of accommodation, without which no Union could have been formed.

PENNSYLVANIA CONVENTION.

Mr. WILSON. Much fault has been found with the mode of expression, used in the first clause of the ninth section of the first article. I believe I can assign a reason why that mode of expression was used, and why the term slave was not admitted in this Constitution — and as to the manner of laying taxes, this is not the first time that the subject has come into the view of the United States, and of the Legislatures of the several States. The gentleman (Mr. FINDLEY) will recollect that in the present Congress, the quota of the federal debt and general expenses was to be in proportion to the value of land, and other enumerated property, within the States. After trying this for a number of years, it was found, on all hands,

to be a mode that could not be carried into execution. Congress were satisfied of this, and in the year 1783 recommended, in conformity with the powers they possessed under the articles of confederation, that the quota should be according to the number of free people, including those bound to servitude, and excluding Indians not taxed. These were the expressions used in 1783, and the fate of this recommendation was similar to all their other resolutions. It was not carried into effect, but it was adopted by no fewer than eleven, out of thirteen States; and it cannot but be matter of surprise to hear gentlemen, who agreed to this very mode of expression at that time, come forward and state it as an objection on the present occasion. It was natural, sir, for the late Convention to adopt the mode after it had been agreed to by eleven States, and to use the expression which they found had been received as unexceptionable before. With respect to the clause, restricting Congress from prohibiting the migration or importation of such persons as any of the States now existing shall think proper to admit, prior to the year 1808, the honorable gentleman says that this clause is not only dark, but intended to grant to Congress, for that time, the power to admit the importation of slaves. No such thing was intended; but I will tell you what was done, and it gives me high pleasure that so much was done. Under the present Confederation, the States may admit the importation of slaves as long as they please; but by this article, after the year 1808, the Congress will have power to prohibit such importation, notwithstanding the disposition of any State to the contrary. I consider this as laying the foundation for banishing slavery out of this country; and though the period is more distant than I could wish, yet it will produce the same kind, gradual change, which was pursued in Pennsylvania. It is with much satisfaction I view this power in the General Government, whereby they may lay an interdiction on this reproachful trade; but an immediate advantage is also obtained, for a tax or duty may be imposed on such importation, not exceeding

ten dollars for each person; and this, sir, operates as a partial prohibition; it was all that could be obtained; I am sorry it was no more; but from this I think there is reason to hope, that yet a few years, and it will be prohibited altogether; and, in the mean time, the new States which are to be formed will be under the control of Congress in this particular; and slaves will never be introduced amongst them. The gentleman says, that it is unfortunate in another point of view; it means to prohibit the introduction of white people from Europe, as this tax may deter them from coming amongst us. A little impartiality and attention will discover the care that the Convention took in selecting their language. The words are, the *migration* or IMPORTATION of such persons, &c., shall not be prohibited by Congress prior to the year 1808, but a tax or duty may be imposed on such importation. It is observable here, that the term migration is dropped when a tax or duty is mentioned, so that Congress have power to impose the tax only on those imported.

I recollect, on a former day, the honorable gentleman from Westmoreland, (Mr. FINDLEY,) and the honorable gentleman from Cumberland, (Mr. WHITEHILL,) took exception against the first clause of the 9th section, article 1, arguing very unfairly, that because Congress might impose a tax or duty of ten dollars on the importation of slaves, within any of the United States, Congress might therefore permit slaves to be imported within this State, contrary to its laws. I confess I little thought that this part of the system would be excepted to.

I am sorry that it could be extended no further: but, so far as it operates, it presents us with the pleasing prospect that the rights of mankind will be acknowledged and established throughout the Union.

If there was no other lovely feature in the Constitution but this one, it would diffuse a beauty over its whole countenance. Yet the lapse of a few years, and Congress will have power to exterminate slavery from within our borders.

How would such a delightful prospect expand the breast of

a benevolent and philanthropic European! Would he cavil at an expression? catch at a phrase? No, sir; that is only reserved for the gentleman on the other side of your chair to do.

Mr. McKean. The arguments against the Constitution are, I think, chiefly these:

That migration or importation of such persons as any of the States shall admit, shall not be prohibited prior to 1808, nor a tax or duty imposed on such importation exceeding ten dollars for each person.

Provision is made that Congress shall have power to prohibit the importation of slaves after the year 1808; but the gentlemen in opposition accuse this system of a crime, because it has not prohibited them at once. I suspect those gentlemen are not well acquainted with the business of the diplomatic body, or they would know that an agreement might be made that did not perfectly accord with the will and pleasure of any one person. Instead of finding fault with what has been gained, I am happy to see a disposition in the United States to do so much.

VIRGINIA CONVENTION.

Gov. Randolph. This is one point of weakness. I wish, for the honor of my countrymen, that it was the only one. There is another circumstance which renders us more vulnerable. Are we not weakened by the population of those whom we hold in slavery? The day may come when they may make impression upon us. Gentlemen who have been long accustomed to the contemplation of the subject, think there is a cause of alarm in this case. The number of those people, compared to that of the whites, is in an immense proportion: their number amounts to 236,000 — that of the whites, only to 352,000. * * * I beseech them to consider whether Virginia and North Carolina, both oppressed with debts and slaves, can defend themselves externally, or make their people happy internally.

GEORGE MASON. We are told, in strong language, of dangers to which we will be exposed, unless we adopt this Constitution. Among the rest, domestic safety is said to be in danger. This government does not attend to our domestic safety. It authorizes the importation of slaves for twenty-odd years, and thus continues upon us that nefarious trade. Instead of securing and protecting us, the continuation of this detestable trade adds daily to our weakness. Though this evil is increasing, there is no clause in the Constitution that will prevent the Northern and Eastern States from meddling with our whole property of that kind. There is a clause to prohibit the importation of slaves after twenty years, but there is no provision made for securing to the Southern States those they now possess. It is far from being a desirable property. But it will involve us in great difficulties and infelicity to be now deprived of them. There ought to be a clause in the Constitution to secure us that property, which we have acquired under our former laws, and the loss of which would bring ruin on a great many people.

Mr. LEE. The honorable gentleman abominates it, because it does not prohibit the importation of slaves, and because it does not secure the continuance of the existing slavery! Is it not obviously inconsistent to criminate it for two contradictory reasons? I submit it to the consideration of the gentleman, whether, if it be reprehensible in the one case, it can be censurable in the other. Mr. LEE then concluded by earnestly recommending to the committee to proceed regularly.

Mr. HENRY. It says that "no State shall engage in war, unless actually invaded." If you give this clause a fair construction, what is the true meaning of it? What does this relate to? Not domestic insurrections, but war. If the country be invaded, a State may go to war; but cannot suppress insurrections. If there should happen an insurrection of slaves, the country cannot be said to be invaded. They cannot therefore suppress it, without the interposition of Congress.

Mr. GEORGE NICHOLAS. Another worthy member says,

there is no power in the States to quell an insurrection of slaves. Have they it now? If they have, does the Constitution take it away? If it does, it must be in one of the three clauses which have been mentioned by the worthy member. The first clause gives the General Government power to call them out when necessary. Does this take it away from the States? No. But it gives an additional security; for, besides the power in the State governments to use their own militia, it will be the duty of the General Government to aid them with the strength of the Union when called for. No part of this Constitution can show that this power is taken away.

Mr. GEORGE MASON. Mr. Chairman, this is a fatal section, which has created more dangers than any other. The first clause allows the importation of slaves for twenty years. Under the royal government, this evil was looked upon as a great oppression, and many attempts were made to prevent it; but the interest of the African merchants prevented its prohibition. No sooner did the revolution take place, than it was thought of. It was one of the great causes of our separation from Great Britain. Its exclusion has been a principal object of this State, and most of the States in the Union. The augmentation of slaves weakens the States; and such a trade is diabolical in itself, and disgraceful to mankind. Yet, by this Constitution, it is continued for twenty years. As much as I value a union of all the States, I would not admit the Southern States into the Union, unless they agreed to the discontinuance of this disgraceful trade, because it would bring weakness and not strength to the Union. And though this infamous traffic be continued, we have no security for the property of that kind which we have already. There is no clause in this Constitution to secure it; for they may lay such tax as will amount to manumission. And should the government be amended, still this detestable kind of commerce cannot be discontinued till after the expiration of twenty years. For the fifth article, which provides for amendments,

expressly excepts this clause. I have ever looked upon this as a most disgraceful thing to America. I cannot express my detestation of it. Yet they have not secured us the property of the slaves we have already. So that "they have done what they ought not to have done, and have left undone what they ought to have done."

Mr. MADISON. Mr. Chairman, I should conceive this clause to be impolitic, if it were one of those things which could be excluded without encountering greater evils. The Southern States would not have entered into the Union of America without the temporary permission of that trade. And if they were excluded from the Union, the consequences might be dreadful to them and to us. We are not in a worse situation than before. That traffic is prohibited by our laws, and we may continue the prohibition. The Union in general is not in a worse situation. Under the articles of confederation, it might be continued forever; but by this clause an end may be put to it after twenty years. There is, therefore, an amelioration of our circumstances. A tax may be laid in the mean time; but it is limited; otherwise Congress might lay such a tax as would amount to a prohibition. From the mode of representation and taxation, Congress cannot lay such a tax on slaves as will amount to manumission. Another clause secures us that property which we now possess. At present, if any slave elopes to any of those States where slaves are free, he becomes emancipated by their laws. For the laws of the States are uncharitable to one another in this respect. But in this Constitution, "no person held to service, or labor, in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due." This clause was expressly inserted to enable owners of slaves to reclaim them. This is a better security than any that now exists. No power is given to the General Government to interpose with respect to the property

in slaves now held by the States. The taxation of this State being equal only to its representation, such a tax cannot be laid as he supposes. They cannot prevent the importation of slaves for twenty years; but after that period, they can. The gentlemen from South Carolina and Georgia argued in this manner: "We have now liberty to import this species of property, and much of the property now possessed has been purchased, or otherwise acquired, in contemplation of improving it by the assistance of imported slaves. What would be the consequence of hindering us from it? The slaves of Virginia would rise in value, and we would be obliged to go to your markets." I need not expatiate on this subject. Great as the evil is, a dismemberment of the Union would be worse. If those States should disunite from the other States, for not including them in the temporary continuance of this traffic, they might solicit and obtain aid from foreign powers.

Mr. TYLER warmly enlarged on the impolicy, iniquity, and disgracefulness of this wicked traffic. He thought the reasons urged by gentlemen in defence of it were inconclusive and ill founded. It was one cause of the complaints against British tyranny, that this trade was permitted. The revolution had put a period to it; but now it was to be revived. He thought nothing could justify it. This temporary restriction on Congress militated, in his opinion, against the arguments of gentlemen on the other side, that what was not given up, was retained by the States; for that if this restriction had not been inserted, Congress could have prohibited the African trade. The power of prohibiting it was not expressly delegated to them; yet they would have had it by implication, if this restraint had not been provided. This seemed to him to demonstrate most clearly the necessity of restraining them, by a bill of rights, from infringing our unalienable rights. It was immaterial whether the bill of rights was by itself, or included in the Constitution. But he contended for it one way or the other. It would be justified by our own example,

and that of England. His earnest desire was, that it should be handed down to posterity, that he had opposed this wicked clause.

Mr. MADISON. As to the restriction in the clause under consideration, it was a restraint on the exercise of a power expressly delegated to Congress, namely, that of regulating commerce with foreign nations.

Mr. HENRY insisted that the insertion of these restrictions on Congress was a plain demonstration that Congress could exercise powers by implication. The gentleman had admitted that Congress could have interdicted the African trade, were it not for this restriction. If so, the power, not having been expressly delegated, must be obtained by implication. He demanded, where, then, was their doctrine of reserved rights? He wished for negative clauses to prevent them from assuming any powers but those expressly given. He asked why it was omitted to secure us that property in slaves which we held now? He feared its omission was done with design. They might lay such heavy taxes on slaves as would amount to emancipation; and then the Southern States would be the only sufferers. His opinion was confirmed by the mode of levying money. Congress, he observed, had power to lay and collect taxes, imposts, and excises. Imposts (or duties) and excises were to be uniform. But this uniformity did not extend to taxes. This might compel the Southern States to liberate their negroes. He wished this property, therefore, to be guarded. He considered the clause which had been adduced by the gentleman as a security for this property, as no security at all. It was no more than this — that a runaway negro could be taken up in Maryland or New York. This could not prevent Congress from interfering with that property by laying a grievous and enormous tax on it, so as to compel owners to emancipate their slaves rather than pay the tax. He apprehended it would be productive of much stockjobbing, and that they would play into one another's hands in such a manner as that this property would be lost to the country.

Mr. GEORGE NICHOLAS wondered that gentlemen who were against slavery should be opposed to this clause; as, after that period, the slave trade would be done away. He asked if gentlemen did not see the inconsistency of their arguments. They object, says he, to the Constitution, because the slave trade is laid open for twenty-odd years; and yet tell you that, by some latent operation of it, the slaves who are so now will be manumitted. At the same moment, it is opposed for being promotive and destructive of slavery. He contended that it was advantageous to Virginia that it should be in the power of Congress to prevent the importation of slaves after twenty years, as it would then put a period to the evil complained of.

As the Southern States would not confederate without this clause, he asked if gentlemen would rather dissolve the confederacy than to suffer this temporary inconvenience, admitting it to be such. Virginia might continue the prohibition of such importation during the intermediate period, and would be benefited by it, as a tax of ten dollars on each slave might be laid, of which she would receive a share. He endeavored to obviate the objection of gentlemen, that the restriction on Congress was a proof that they would have power not given them, by remarking that they would only have had a general superintendency of trade, if the restriction had not been inserted. But the Southern States insisted on this exception to that general superintendency for twenty years. It could not, therefore, have been a power by implication, as the restriction was an exception from a delegated power. The taxes could not, as had been suggested, be laid so high on negroes as to amount to emancipation; because taxation and representation were fixed according to the census established in the Constitution. The exception of taxes, from the uniformity annexed to duties and excises, could not have the operation contended for by the gentleman; because other clauses had clearly and positively fixed the census. Had taxes been uniform, it would have been universally objected to, for no one object could be select-

ed without involving great inconveniences and oppressions. But, says Mr. Nicholas, is it from the General Government we are to fear emancipation? Gentlemen will recollect what I said in another house, and what other gentlemen have said that advocated emancipation. Give me leave to say, that that clause is a great security for our slave tax. I can tell the committee, that the people of our country are reduced to beggary by the taxes on negroes. Had this Constitution been adopted, it would not have been the case. The taxes were laid on all our negroes. By this system, two fifths are exempted. He then added, that he had imagined gentlemen would not support here what they had opposed in another place.

Mr. HENRY replied, that though the proportion of each was to be fixed by the census, and three fifths of the slaves only were included in the enumeration, yet the proportion of Virginia being once fixed, might be laid on blacks, and blacks only. For the mode of raising the proportion of each State being to be directed by Congress, they might make slaves the sole object to raise it. Personalities he wished to take leave of; they had nothing to do with the question, which was solely whether that paper was wrong or not.

Mr. NICHOLAS replied, that negroes must be considered as persons or property. If as property, the proportion of taxes to be laid on them was fixed in the Constitution. If he apprehended a poll tax on negroes, the Constitution had prevented it. For, by the census, where a white man paid ten shillings, a negro paid but six shillings; for the exemption of two fifths of them reduced it to that proportion.

The second, third, and fourth clauses were then read, as follows:

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or ex post facto law shall be passed.

No capitation or other direct tax shall be paid, unless in proportion to the census or enumeration herein before directed to be taken.

Mr. GEORGE MASON said, that gentlemen might think

themselves secured by the restriction in the fourth clause, that no capitation or other direct tax should be laid but in proportion to the census before directed to be taken. But that, when maturely considered, it would be found to be no security whatsoever. It was nothing but a direct assertion, or mere confirmation of the clause which fixed the ratio of taxes and representation. It only meant that the quantum to be raised of each State should be in proportion to their numbers in the manner therein directed. But the General Government was not precluded from laying the proportion of any particular State on any one species of property they might think proper. For instance: if five hundred thousand dollars were to be raised, they might lay the whole of the proportion of the Southern States on the blacks, or any one species of property: so that, by laying taxes too heavily on slaves, they might totally annihilate that kind of property. No real security could arise from the clause which provides that persons held to labor in one State, escaping into another, shall be delivered up. This only meant that runaway slaves should not be protected in other States. As to the exclusion of *ex post facto* laws, it could not be said to create any security in this case; for laying a tax on slaves would not be *ex post facto*.

Mr. MADISON replied, that even the Southern States, who were most affected, were perfectly satisfied with this provision, and dreaded no danger to the property they now hold. It appeared to him that the General Government would not intermeddle with that property for twenty years, but to lay a tax on every slave imported, not exceeding ten dollars; and that, after the expiration of that period, they might prohibit the traffic altogether. The census in the Constitution was intended to introduce equality in the burdens to be laid on the community. No gentleman objected to laying duties, imposts, and excises, uniformly. But uniformity of taxes would be subversive of the principles of equality: for that it was not possible to select any article which would be easy for one State, but what would be heavy for another. That the pro-

portion of each State being ascertained, it would be raised by the General Government in the most convenient manner for the people, and not by the selection of any one particular object. That there must be some degree of confidence put in agents, or else we must reject a state of civil society altogether. Another great security to this property, which he mentioned, was, that five States were greatly interested in that species of property, and there were other States which had some slaves, and had made no attempt, or taken any step, to take them from the people. There were a few slaves in New York, New Jersey, and Connecticut: these States would, probably, oppose any attempts to annihilate this species of property. He concluded by observing, that he would be glad to leave the decision of this to the committee.

The second section was then read, as follows: — * * *

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up, on claim of the party to whom such service or labor may be due.

Mr. GEORGE MASON. Mr. Chairman, on some former part of the investigation of this subject, gentlemen were pleased to make some observations on the security of property coming within this section. It was then said, and I now say, that there is no security, nor have gentlemen convinced me of this.

Mr. HENRY. Among ten thousand implied powers which they may assume, they may, if we be engaged in war, liberate every one of your slaves, if they please. And this must and will be done by men, a majority of whom have not a common interest with you. They will, therefore, have no feeling for your interests. It has been repeatedly said here, that the great object of a national government was national defence. That power which is said to be intended for security and safety, may be rendered detestable and oppressive. If you give power to the General Government to provide for the general defence, the means must be commensurate to the end. All

the means in the possession of the people must be given to the Government which is intrusted with the public defence. In this State there are 236,000 blacks, and there are many in several other States. But there are few or none in the Northern States; and yet if the Northern States shall be of opinion that our numbers are numberless, they may call forth every national resource. May Congress not say, that every black man must fight? Did we not see a little of this last war? We were not so hard pushed as to make emancipation general. But acts of assembly passed, that every slave who would go to the army should be free. Another thing will contribute to bring this event about — slavery is detested — we feel its fatal effects — we deplore it with all the pity of humanity. Let all these considerations, at some future period, press with full force on the minds of Congress. Let that urbanity, which I trust will distinguish America, and the necessity of national defence, let all these things operate on their minds, they will search that paper, and see if they have the power of manumission. And have they not, sir? Have they not power to provide for the general defence and welfare? May they not think that these call for the abolition of slavery? May not they pronounce all slaves free, and will they not be warranted by that power? There is no ambiguous implication or logical deduction. The paper speaks to the point. They have the power in clear, unequivocal terms, and will clearly and certainly exercise it. As much as I deplore slavery, I see that prudence forbids its abolition. I deny that the General Government ought to set them free, because a decided majority of the States have not the ties of sympathy and fellow-feeling for those whose interest would be affected by their emancipation. The majority of Congress is at the North, and the slaves are at the South. In this situation, I see a great deal of the property of the people of Virginia in jeopardy, and their peace and tranquillity gone away. I repeat it again, that it would rejoice my very soul, that every one of my fellow-beings was emancipated. As we ought with gratitude to admire that de-

cree of Heaven, which has numbered us among the free, we ought to lament and deplore the necessity of holding our fellow-men in bondage. But is it practicable, by any human means, to liberate them, without producing the most dreadful and ruinous consequences? We ought to possess them in the manner we have inherited them from our ancestors, as their manumission is incompatible with the felicity of the country. But we ought to soften, as much as possible, the rigor of their unhappy fate. I know that, in a variety of particular instances, the legislature, listening to complaints, have admitted their emancipation. Let me not dwell on this subject. I will only add, that this, as well as every other property of the people of Virginia, is in jeopardy, and put in the hands of those who have no similarity of situation with us. This is a local matter, and I can see no propriety in subjecting it to Congress.

Have we not a right to say, *Hear our propositions?* Why, sir, your slaves have a right to make their humble requests. Those who are in the meanest occupations of human life have a right to complain.

Gov. RANDOLPH. That honorable gentleman, and some others, have insisted that the abolition of slavery will result from it, and at the same time have complained that it encourages its continuation. The inconsistency proves in some degree the futility of their arguments. But if it be not conclusive, to satisfy the committee that there is no danger of enfranchisement taking place, I beg leave to refer them to the paper itself. I hope that there is none here, who, considering the subject in the calm light of philosophy, will advance an objection dishonorable to Virginia; that at the moment they are securing the rights of their citizens, an objection is started that there is a spark of hope that those unfortunate men now held in bondage may, by the operation of the General Government, be made *free*. But if any gentleman be terrified by this apprehension, let him read the system. I ask, and I will ask again and again till I be answered, (not by declamation,) where is the part that has a tendency to the abolition of

slavery? Is it the clause which says, that "the migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by Congress prior to the year 1808"? This is an exception from the power of regulating commerce, and the restriction is only to continue till 1808. Then Congress can, by the exercise of that power, prevent future importations; but does it affect the existing state of slavery? Were it right here to mention what passed in Convention on the occasion, I might tell you that the Southern States, even South Carolina herself, conceived this property to be secure by these words. I believe, whatever we may think here, that there was not a member of the Virginia delegation who had the smallest suspicion of the abolition of slavery. Go to their meaning. Point out the clause where this formidable power of emancipation is inserted. But another clause of the Constitution proves the absurdity of the supposition. The words of the clause are, "No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due." Every one knows that slaves are held to service and labor. And when authority is given to owners of slaves to vindicate their property, can it be supposed they can be deprived of it? If a citizen of this State, in consequence of this clause, can take his runaway slave in Maryland, can it be seriously thought that, after taking him and bringing him home, he could be made free?

I observed that the honorable gentleman's proposition comes in a truly questionable shape, and is still more extraordinary and unaccountable for another consideration: that although we went article by article through the Constitution, and although we did not expect a general review of the subject, (as a most comprehensive view had been taken of it before it was regularly debated,) yet we are carried back to the clause giving that dreadful power for the general welfare. Pardon me

if I remind you of the true state of that business. I appeal to the candor of the honorable gentleman, and if he thinks it an improper appeal, I ask the gentlemen here, whether there be a general, indefinite power of providing for the general welfare? The power is, "to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare." So that they can only raise money by these means, in order to provide for the general welfare. No man who reads it can say it is general, as the honorable gentleman represents it. You must violate every rule of construction and common sense, if you sever it from the power of raising money, and annex it to any thing else, in order to make it that formidable power which it is represented to be.

Mr. GEORGE MASON. Mr. Chairman, with respect to commerce and navigation, he has given it as his opinion that their regulation, as it now stands, was a *sine qua non* of the Union, and that without it the States in Convention would never concur. I differ from him. It never was, nor in my opinion ever will be, a *sine qua non* of the Union. I will give you, to the best of my recollection, the history of that affair. This business was discussed at Philadelphia for four months, during which time the subject of commerce and navigation was often under consideration; and I assert that eight States out of twelve, for more than three months, voted for requiring two thirds of the members present in each house to pass commercial and navigation laws. True it is that afterwards it was carried by a majority, as it stands. If I am right, there was a great majority for requiring two thirds of the States in this business, till a compromise took place between the Northern and Southern States; the Northern States agreeing to the temporary importation of slaves, and the Southern States conceding, in return, that navigation and commercial laws should be on the footing on which they now stand. If I am mistaken, let me be put right. These are my reasons for saying that this was not a *sine qua non* of their

concurrence. The Newfoundland fisheries will require that kind of security which we are now in want of. The Eastern States therefore agreed at length, that treaties should require the consent of two thirds of the members present in the Senate.

Mr. MADISON. I was struck with surprise when I heard him express himself alarmed with respect to the emancipation of slaves. Let me ask, if they should even attempt it, if it will not be a usurpation of power? There is no power to warrant it, in that paper. If there be, I know it not. But why should it be done? Says the honorable gentleman, for the general welfare — it will infuse strength into our system. Can any member of this committee suppose that it will increase our strength? Can any one believe that the American councils will come into a measure which will strip them of their property, discourage and alienate the affections of five thirteenths of the Union? Why was nothing of this sort aimed at before? I believe such an idea never entered into an American breast, nor do I believe it ever will, unless it will enter into the heads of those gentlemen who substitute unsupported suspicions for reasons.

Mr. HENRY. He asked me where was the power of emancipating slaves. I say it will be implied, unless implication be prohibited. He admits that the power of granting passports will be in the new Congress, without the insertion of this restriction — yet he can show me nothing like such a power granted in that Constitution. Notwithstanding he admits their right to this power by implication, he says that I am unfair and uncandid in my deduction, that they can emancipate our slaves, though the word emancipation be not mentioned in it. They can exercise power by implication in one instance, as well as in another. Thus, by the gentleman's own argument, they can exercise the power, though it be not delegated.

Mr. Z. JOHNSON. They tell us that they see a progressive danger of bringing about emancipation. The principle has begun since the revolution. Let us do what we will, it will

come round. Slavery has been the foundation of that impiety and dissipation, which have been so much disseminated among our countrymen. If it were totally abolished, it would do much good.

NORTH CAROLINA CONVENTION.

The first three clauses of the second section read.

Mr. GOUDY. Mr. Chairman, this clause of taxation will give an advantage to some States over the others. It will be oppressive to the Southern States. Taxes are equal to our representation. To augment our taxes and increase our burdens, our negroes are to be represented. If a State has fifty thousand negroes, she is to send one representative for them. I wish not to be represented with negroes, especially if it increases my burdens.

Mr. DAVIE. Mr. Chairman, I will endeavor to obviate what the gentleman last up has said. I wonder to see gentlemen so precipitate and hasty on a subject of such awful importance. It ought to be considered, that some of us are slow of apprehension, not having those quick conceptions and luminous understandings, of which other gentlemen may be possessed. The gentleman "does not wish to be represented with negroes." This, sir, is an unhappy species of population, but we cannot at present alter their situation. The Eastern States had great jealousies on this subject. They insisted that their cows and horses were equally entitled to representation; that the one was property as well as the other. It became our duty, on the other hand, to acquire as much weight as possible in the legislation of the Union; and as the Northern States were more populous in whites, this only could be done by insisting that a certain proportion of our slaves should make a part of the computed population. It was attempted to form a rule of representation from a compound ratio of wealth and population; but, on consideration, it was found impracticable to determine the comparative value

of lands, and other property, in so extensive a territory, with any degree of accuracy; and population alone was adopted as the only practicable rule or criterion of representation. It was urged by the deputies of the Eastern States, that a representation of two fifths would be of little utility, and that their entire representation would be unequal and burdensome. That in a time of war, slaves rendered a country more vulnerable, while its defence devolved upon its *free* inhabitants. On the other hand, we insisted that, in time of peace, they contributed by their labor to the general wealth, as well as other members of the community. That as rational beings they had a right of representation, and in some instances might be highly useful in war. On these principles, the Eastern States gave the matter up, and consented to the regulation as it has been read. I hope these reasons will appear satisfactory. It is the same rule or principle which was proposed some years ago by Congress, and assented to by twelve of the States. It may wound the delicacy of the gentleman from Guilford, (Mr. GOUDY,) but I hope he will endeavor to accommodate his feelings to the interests and circumstances of his country.

Mr. JAMES GALLOWAY said, that he did not object to the representation of negroes, so much as he did to the fewness of the number of representatives. He was surprised how we came to have but five, including those intended to represent negroes. That in his humble opinion, North Carolina was entitled to that number, independent of the negroes.

First clause of the 9th section read.

Mr. J. M'DOWALL wished to hear the reasons of this restriction.

Mr. SPAIGHT answered that there was a contest between the Northern and Southern States — that the Southern States, whose principal support depended on the labor of slaves, would not consent to the desire of the Northern States to exclude the importation of slaves absolutely. That South Carolina and Georgia insisted on this clause, as they were now in

want of hands to cultivate their lands; that in the course of twenty years they would be fully supplied; that the trade would be abolished then, and that in the mean time some tax or duty might be laid on.

Mr. M'DOWALL replied, that the explanation was just such as he expected, and by no means satisfactory to him, and that he looked upon it as a very objectionable part of the system.

Mr. IREDELL. Mr. Chairman, I rise to express sentiments similar to those of the gentleman from Craven. For my part, were it practicable to put an end to the importation of slaves immediately, it would give me the greatest pleasure; for it certainly is a trade utterly inconsistent with the rights of humanity, and under which great cruelties have been exercised. When the entire abolition of slavery takes place, it will be an event which must be pleasing to every generous mind, and every friend of human nature; but we often wish for things which are not attainable. It was the wish of a great majority of the Convention to put an end to the trade immediately, but the States of South Carolina and Georgia would not agree to it. Consider, then, what would be the difference between our present situation in this respect, if we do not agree to the Constitution, and what it will be if we do agree to it. If we do not agree to it, do we remedy the evil? No, sir, we do not; for if the Constitution be not adopted, it will be in the power of every State to continue it forever. They may or may not abolish it, at their discretion. But if we adopt the Constitution, the trade must cease after twenty years, if Congress declare so, whether particular States please so or not: surely, then, we gain by it. This was the utmost that could be obtained. I heartily wish more could have been done. But as it is, this government is nobly distinguished above others by that very provision. Where is there another country in which such a restriction prevails? We, therefore, sir, set an example of humanity by providing for the abolition of this inhuman traffic, though at a distant period. I hope, therefore, that this part of the Constitution will not be con-

demned, because it has not stipulated for what it was impracticable to obtain.

Mr. SPAIGHT further explained the clause. That the limitation of this trade to the term of twenty years was a compromise between the Eastern States and the Southern States. South Carolina and Georgia wished to extend the term. The Eastern States insisted on the entire abolition of the trade. That the State of North Carolina had not thought proper to pass any law prohibiting the importation of slaves, and therefore its delegation in the Convention did not think themselves authorized to contend for an immediate prohibition of it.

Mr. IREDELL added to what he had said before, that the States of Georgia and South Carolina had lost a great many slaves during the war, and that they wished to supply the loss.

Mr. GALLOWAY. Mr. Chairman, the explanation given to this clause does not satisfy my mind. I wish to see this abominable trade put an end to. But in case it be thought proper to continue this abominable traffic for twenty years, yet I do not wish to see the tax on the importation extended to all persons whatsoever. Our situation is different from the people to the North. We want citizens; they do not. Instead of laying a tax, we ought to give a bounty, to encourage foreigners to come among us. With respect to the abolition of slavery, it requires the utmost consideration. The property of the Southern States consists principally of slaves. If they mean to do away slavery altogether, this property will be destroyed. I apprehend it means to bring forward manumission. If we must manumit our slaves, what country shall we send them to? It is impossible for us to be happy, if, after manumission, they are to stay among us.

Mr. IREDELL. Mr. Chairman, the worthy gentleman, I believe, has misunderstood this clause, which runs in the following words: "The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808, but a tax or duty may be imposed on *such importation*, not exceeding ten dollars for each person."

Now, sir, observe that the Eastern States, who long ago have abolished slavery, did not approve of the expression *slaves*; they therefore used another that answered the same purpose. The committee will observe the distinction between the two words, migration and importation. The first part of the clause will extend to persons who come into the country as free people, or are brought as slaves, but the last part extends to slaves only. The word *migration* refers to free persons; but the word *importation* refers to slaves, because free people cannot be said to be imported. The tax, therefore, is only to be laid on slaves who are imported, and not on free persons who migrate. I further beg leave to say, that the gentleman is mistaken in another thing. He seems to say that this extends to the abolition of slavery. Is there any thing in this Constitution which says that Congress shall have it in their power to abolish the slavery of those slaves who are now in the country? Is it not the plain meaning of it, that after twenty years they may prevent the future importation of slaves? It does not extend to those now in the country. There is another circumstance to be observed. There is no authority vested in Congress to restrain the States in the interval of twenty years from doing what they please. If they wish to inhibit such importation, they may do so. Our next assembly may put an entire end to the importation of slaves.

Article fourth. The first section and two first clauses of the second section read without observation.

The last clause read —

Mr. IREDELL begged leave to explain the reason of this clause. In some of the Northern States, they have emancipated all their slaves. If any of our slaves, said he, go there and remain there a certain time, they would, by the present laws, be entitled to their freedom, so that their masters could not get them again. This would be extremely prejudicial to the inhabitants of the Southern States; and to prevent it, this clause is inserted in the Constitution. Though the word *slave* be not mentioned, this is the meaning of it. The Northern

delegates, owing to their particular scruples on the subject of slavery, did not choose the word *slave* to be mentioned.

The rest of the fourth article read without any observation.

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Mr. IREDELL. It is, however, to be observed, that the first and fourth clauses in the ninth section of the first article are protected from any alteration till the year 1808; and in order that no consolidation should take place, it is provided that no State shall, by any amendment or alteration, be ever deprived of an equal suffrage in the Senate, without its own consent. The first two prohibitions are with respect to the census, according to which direct taxes are imposed, and with respect to the importation of slaves. As to the first, it must be observed, that there is a material difference between the Northern and Southern States. The Northern States have been much longer settled, and are much fuller of people than the Southern, but have not land in equal proportion, nor scarcely any slaves. The subject of this article was regulated with great difficulty, and by a spirit of concession which it would not be prudent to disturb for a good many years. In twenty years there will probably be a great alteration, and then the subject may be reconsidered with less difficulty and greater coolness. In the mean time, the compromise was upon the best footing that could be obtained. A compromise, likewise, took place in regard to the importation of slaves. It is probable that all the members reprobated this inhuman traffic, but those of South Carolina and Georgia would not consent to an immediate prohibition of it; one reason of which was, that during the last war they lost a vast number of negroes, which loss they wish to supply. In the mean time, it is left to the States to admit or prohibit the importation, and Congress may impose a limited duty upon it.

SOUTH CAROLINA CONVENTION.

Hon. RAWLINS LOWNDES. In the first place, what cause was there for jealousy of our importing negroes? Why con-

fine us to twenty years, or, rather, why limit us at all? For his part, he thought this trade could be justified on the principles of religion, humanity, and justice; for, certainly, to translate a set of human beings from a bad country to a better, was fulfilling every part of these principles. But they don't like our slaves, because they have none themselves; and therefore want to exclude us from this great advantage. Why should the Southern States allow of this, without the consent of nine States?

Judge PENDLETON observed, that only three States, Georgia, South Carolina, and North Carolina, allowed the importation of negroes. Virginia had a clause in her Constitution for this purpose, and Maryland, he believed, even before the war, prohibited such importation.

Mr. LOWNDES continued, that we had a law prohibiting the importation of negroes for three years — a law he greatly approved of; but there was no reason offered why the Southern States might not find it necessary to alter their conduct, and open their ports. Without negroes, this State would degenerate into one of the most contemptible in the Union. He cited an expression that fell from Gen. PINCKNEY on a former debate, that, whilst there remained one acre of swamp land in South Carolina, he should raise his voice against restricting the importation of negroes. Even in granting the importation for twenty years, care had been taken to make us pay for this indulgence, each negro being liable, on importation, to pay a duty not exceeding ten dollars, and, in addition to this, was liable to a capitation tax. Negroes were our wealth, our only natural resource; yet, behold how our kind friends in the North were determined soon to tie up our hands, and drain us of what we had! The Eastern States drew their means of subsistence, in a great measure, from their shipping; and on that head they had been particularly careful not to allow of any burdens; they were not to pay tonnage, or duties; no, not even the form of clearing out; all ports were free and open to them. Why, then, call this a reciprocal

bargain, which took all from one party, to bestow it on the other?

Major BUTLER observed, that they were to pay a five per cent. impost. This, Mr. LOWNDES proved, must fall upon the consumer. They are to be the carriers; and we being the consumers, therefore all expenses would fall upon us.

Hon. E. RUTLEDGE. The gentleman had complained of the inequality of the taxes between the Northern and Southern States — that ten dollars a head was imposed on the importation of negroes, and that those negroes were afterwards taxed. To this it was answered, that the ten dollars per head was an equivalent to the five per cent. on imported articles; and as to their being afterwards taxed, the advantage is on our side; or, at least, not against us.

In the Northern States, the labor is performed by white people; in the Southern, by black. All the free people (and there are few others) in the Northern States are to be taxed by the new Constitution; whereas, only the free people and two fifths of the slaves in the Southern States are to be rated in the apportioning of taxes. But the principal objection is, that no duties are laid on shipping — that, in fact, the carrying trade was to be vested, in a great measure, in the Americans; that the ship-building business was principally carried on in the Northern States. When this subject is duly considered, the Southern States should be the last to object to it. Mr. RUTLEDGE then went into a consideration of the subject; after which, the House adjourned.

Gen. CHARLES COTESWORTH PINCKNEY. We were at a loss for some time for a rule to ascertain the proportionate wealth of the States; at last, we thought that the productive labor of the inhabitants was the best rule for ascertaining their wealth. In conformity to this rule, joined to a spirit of concession, we determined that representatives should be apportioned among the several States, by adding to the whole number of free persons three fifths of the slaves. We thus obtained a representation for our property; and I confess I

did not expect that we had conceded too much to the Eastern States, when they allowed us a representation for a species of property which they have not among them.

The honorable gentleman alleges, that the Southern States are weak; I sincerely agree with him — we are so weak that by ourselves we could not form a union strong enough for the purpose of effectually protecting each other. Without union with the other States, South Carolina must soon fall. Is there any one among us so much a Quixote as to suppose that this State could long maintain her independence if she stood alone, or was only connected with the Southern States? I scarcely believe there is. Let an invading power send a naval force into the Chesapeake to keep Virginia in alarm, and attack South Carolina with such a naval and military force as Sir Henry Clinton brought here in 1780, and though they might not soon conquer us, they would certainly do us an infinite deal of mischief; and if they considerably increased their numbers, we should probably fall. As, from the nature of our climate, and the fewness of our inhabitants, we are undoubtedly weak, should we not endeavor to form a close union with the Eastern States, who are strong?

For who have been the greatest sufferers in the Union, by our obtaining our independence? I answer, the Eastern States; they have lost every thing but their country and their freedom. It is notorious that some ports to the Eastward, which used to fit out one hundred and fifty sail of vessels, do not now fit out thirty; that their trade of ship-building, which used to be very considerable, is now annihilated; that their fisheries are trifling, and their mariners in want of bread; surely we are called upon by every tie of justice, friendship, and humanity, to relieve their distresses; and as by their exertions they have assisted us in establishing our freedom, we should let them, in some measure, partake of our prosperity. The General then said he would make a few observations on the objections which the gentleman had thrown out on the restrictions that might be laid on the African trade

after the year 1808. On this point your delegates had to contend with the religious and political prejudices of the Eastern and Middle States, and with the interested and inconsistent opinion of Virginia, who was warmly opposed to our importing more slaves. I am of the same opinion now as I was two years ago, when I used the expressions that the gentleman has quoted, that while there remained one acre of swamp land uncleared of South Carolina, I would raise my voice against restricting the importation of negroes. I am as thoroughly convinced as that gentleman is, that the nature of our climate, and the flat, swampy situation of our country, obliges us to cultivate our land with negroes, and that without them South Carolina would soon be a desert waste.

You have so frequently heard my sentiments on this subject that I need not now repeat them. It was alleged, by some of the members who opposed an unlimited importation, that slaves increased the weakness of any State who admitted them; that they were a dangerous species of property, which an invading enemy could easily turn against ourselves and the neighboring States, and that as we were allowed a representation for them in the House of Representatives, our influence in government would be increased in proportion as we were less able to defend ourselves. "Show some period," said the members from the Eastern States, "when it may be in our power to put a stop, if we please, to the importation of this weakness, and we will endeavor, for your convenience, to restrain the religious and political prejudices of our people on this subject."

The Middle States and Virginia made us no such proposition; they were for an immediate and total prohibition. We endeavored to obviate the objections that were made in the best manner we could, and assigned reasons for our insisting on the importation, which there is no occasion to repeat, as they must occur to every gentleman in the house: a committee of the States was appointed in order to accommodate this matter, and after a great deal of difficulty, it was settled on the footing recited in the Constitution.

By this settlement we have secured an unlimited importation of negroes for twenty years; nor is it declared that the importation shall be then stopped; it may be continued — we have a security that the General Government can never emancipate them, for no such authority is granted, and it is admitted on all hands, that the General Government has no powers but what are expressly granted by the Constitution; and that all rights not expressed were reserved by the several States. We have obtained a right to recover our slaves, in whatever part of America they may take refuge, which is a right we had not before. In short, considering all circumstances, we have made the best terms, for the security of this species of property, it was in our power to make. We would have made better if we could, but on the whole I do not think them bad.

Hon. ROBERT BARNWELL. Mr. BARNWELL continued to say, I now come to the last point for consideration; I mean the clause relative to the negroes; and here I am particularly pleased with the Constitution; it has not left this matter, of so much importance to us, open to immediate investigation; no, it has declared that the United States shall not, at any rate, consider this matter for twenty-one years; and yet gentlemen are displeased with it.

Congress has guaranteed this right for that space of time, and at its expiration may continue it as long as they please. This question then arises, what will their interest lead them to do? The Eastern States, as the honorable gentleman says, will become the carriers of America; it will, therefore, certainly be their interest to encourage exportation to as great an extent as possible; and if the quantum of our products will be diminished by the prohibition of negroes, I appeal to the belief of every man, whether he thinks those very carriers will themselves dam up the resources from whence their profit is derived? To think so is so contradictory to the general conduct of mankind, that I am of opinion, that without we ourselves put a stop to them, the traffic for negroes will continue forever.

FEDERALIST, No. 42.

BY JAMES MADISON.

It were doubtless to be wished, that the power of prohibiting the importation of slaves, had not been postponed until the year 1808, or rather that it had been suffered to have immediate operation. But it is not difficult to account either for this restriction on the General Government, or for the manner in which the whole clause is expressed.

It ought to be considered as a great point gained in favor of humanity, that a period of twenty years may terminate for ever within these States, a traffic which has so long and so loudly upbraided the barbarism of modern policy; that within that period, it will receive a considerable discouragement from the Federal Government, and may be totally abolished by a concurrence of the few States which continue the unnatural traffic in the prohibitory example which has been given by so great a majority of the Union. Happy would it be for the unfortunate Africans, if an equal prospect lay before them, of being redeemed from the oppressions of their European brethren! Attempts have been made to pervert this clause into an objection against the Constitution, by representing it on one side, as a criminal toleration of an illicit practice; and on another, as calculated to prevent voluntary and beneficial emigrations from Europe to America. I mention these misconstructions, not with a view to give them an answer, for they deserve none; but as specimens of the manner and spirit in which some have thought fit to conduct their opposition to the proposed government.

FEDERALIST, No. 54.

BY JAMES MADISON.

All this is admitted, it will perhaps be said: but does it follow from an admission of numbers for the measure of representation, or of slaves combined with free citizens as a ratio

of taxation, that slaves ought to be included in the numerical rule of representation?

Slaves are considered as property, not as persons. They ought, therefore, to be comprehended in estimates of taxation, which are founded on property, and to be excluded from representation, which is regulated by a census of persons. This is the objection as I understand it, stated in its full force. I shall be equally candid in stating the reasoning which may be offered on the opposite side. We subscribe to the doctrine, might one of our Southern brethren observe, that representation relates more immediately to persons, and taxation more immediately to property; and we join in the application of this distinction to the case of our slaves.

But we must deny the fact, that slaves are considered merely as property, and in no respect whatever as persons. The true state of the case is, that they partake of both these qualities, being considered by our laws, in some respects as persons, and in other respects as property.

In being compelled to labor, not for himself, but for a master; in being vendible by one master to another master; and in being subject at all times to be restrained in his liberty and chastised in his body by the capricious will of another; the slave may appear to be degraded from the human rank, and classed with those irrational animals which fall under the legal denomination of property. In being protected, on the other hand, in his life, and in his limbs, against the violence of all others, even the master of his labor and his liberty; and in being punishable himself for all violence committed against others; the slave is no less evidently regarded by the law as a member of the society, not as a part of the irrational creation; as a moral person, not as a mere article of property. The Federal Constitution, therefore, decides with great propriety on the case of our slaves, when it views them in the mixed character of persons and property. This is in fact their true character. It is the character bestowed on them by the laws under which they live, and it will not be denied, that

these are the proper criterion; because it is only under the pretext, that the laws have transformed the negroes into subjects of property, that a place is disputed them in the computation of numbers; and it is admitted, that if the laws were to restore the rights which have been taken away, the negroes could no longer be refused an equal share of representation with the other inhabitants.

This question may be placed in another light. It is agreed on all sides, that numbers are the best scale of wealth and taxation, as they are the only proper scale of representation. Would the Convention have been impartial or consistent, if they had rejected the slaves from the list of inhabitants, when the shares of representation were to be calculated, and inserted them on the lists when the tariff of contributions was to be adjusted?

Could it be reasonably expected, that the Southern States would concur in a system, which considered their slaves in some degree as men when burdens were to be imposed, but refused to consider them in the same light when advantages were to be conferred?

Might not some surprise also be expressed, that those who reproach the Southern States with the barbarous policy of considering as property a part of their human brethren, should themselves contend, that the government to which all the States are to be parties, ought to consider this unfortunate race more completely in the unnatural light of property, than the very laws of which they complain?

It may be replied, perhaps, that slaves are not included in the estimate of representatives in any of the States possessing them. They neither vote themselves, nor increase the votes of their masters. Upon what principle, then, ought they to be taken into the Federal estimate of representation? In rejecting them altogether, the Constitution would, in this respect, have followed the very laws which have been appealed to as the proper guide.

This objection is repelled by a single observation. It is a

fundamental principle of the proposed Constitution, that as the aggregate number of representatives allotted to the several States is to be determined by a Federal rule, founded on the aggregate number of inhabitants, so the right of choosing this allotted number in each State is to be exercised by such part of the inhabitants as the State itself may designate. The qualifications on which the right of suffrage depends are not, perhaps, the same in any two States. In some of the States the difference is very material. In every State a certain proportion of inhabitants are deprived of this right by the Constitution of the State, who will be included in the census by which the Federal Constitution apportions the representatives. In this point of view, the Southern States might retort the complaint, by insisting that the principle laid down by the Convention required that no regard should be had to the policy of particular States towards their own inhabitants; and, consequently, that the slaves, as inhabitants, should have been admitted into the census according to their full number, in like manner with other inhabitants, who, by the policy of other States, are not admitted to all the rights of citizens. A rigorous adherence, however, to this principle is waived by those who would be gainers by it. All that they ask is, that equal moderation be shown on the other side. Let the case of the slaves be considered, as it is in truth, a peculiar one. Let the compromising expedient of the Constitution be mutually adopted, which regards them as inhabitants, but as debased by servitude below the equal level of free inhabitants, which regards the *slave* as divested of two fifths of the *man*.

DEBATES IN FIRST CONGRESS.

LLOYD'S DEBATES.

MAY 13, 1789.

Mr. PARKER (of Va.) moved to insert a clause in the bill, imposing a duty on the importation of slaves of ten dollars

each person. He was sorry that the Constitution prevented Congress from prohibiting the importation altogether; he thought it a defect in that instrument that it allowed of such actions; it was contrary to the revolution principles, and ought not to be permitted; but as he could not do all the good he desired, he was willing to do what lay in his power. He hoped such a duty as he moved for would prevent, in some degree, this irrational and inhuman traffic: if so, he should feel happy from the success of his motion.

Mr. SMITH (of South Carolina) hoped that such an important and serious proposition as this would not be hastily adopted; it was a very late moment for the introduction of new subjects. He expected the committee had got through the business, and would rise without discussing any thing further; at least, if gentlemen were determined on considering the present motion, he hoped they would delay for a few days, in order to give time for an examination of the subject. It was certainly a matter big with the most serious consequences to the State he represented. He did not think any one thing that had been discussed was so important to them and the welfare of the Union as the question now brought forward; but he was not prepared to enter on any argument, and therefore requested the motion might either be withdrawn or laid on the table.

Mr. SHERMAN (of Ct.) approved of the object of the motion, but he did not think this bill was proper to embrace the subject. He could not reconcile himself to the insertion of human beings, as an article of duty, among goods, wares, and merchandise. He hoped it would be withdrawn for the present, and taken up hereafter as an independent subject.

Mr. JACKSON (of Geo.) observing the quarter from which this motion came, said it did not surprise him, though it might have that effect on others. He recollected that Virginia was an old settled State, and had her complement of slaves; so she was careless of recruiting her numbers by this means. The natural increase of her imported blacks was sufficient

for her purpose; but he thought gentlemen ought to let their neighbors get supplied before they imposed such a burden upon the importation. He knew this business was viewed in an odious light to the Eastward, because the people were capable of doing their own work, and had no occasion for slaves; but gentlemen will have some feeling for others; they will not try to throw all the weight upon others, who have assisted in lightening their burdens; they do not wish to charge us for every comfort and enjoyment of life, and at the same time take away the means of procuring them; they do not wish to break us down at once.

He was convinced, from the inaptitude of the motion, and the want of time to consider it, that the candor of the gentleman would induce him to withdraw it for the present; and if ever it came forward again, he hoped it would comprehend the white slaves as well as black, who were imported from all the jails of Europe; wretches, convicted of the most flagrant crimes, were brought in and sold without any duty whatever. He thought that they ought to be taxed equal to the Africans, and had no doubt but the constitutionality and propriety of such a measure were equally apparent as the one proposed.

Mr. TUCKER (of S. C.) thought it unfair to bring in such an important subject at a time when debate was almost precluded. The committee had gone through the impost bill, and the whole Union were impatiently expecting the result of their deliberations; the public must be disappointed, and much revenue lost, or this question cannot undergo that full discussion which it deserves.

We have no right, said he, to consider whether the importation of slaves is proper or not; the Constitution gives us no power on that point; it is left to the States to judge of that matter as they see fit. But if it was a business the gentleman was determined to discourage, he ought to have brought his motion forward sooner, and even then not have introduced it without previous notice. He hoped the committee would reject the motion, if it was not withdrawn; he was not speak-

ing so much for the State he represented, as for Georgia, because the State of South Carolina had a prohibitory law, which could be renewed when its limitation expired.

Mr. PARKER (of Va.) had ventured to introduce the subject after full deliberation, and did not like to withdraw it. Although the gentleman from Connecticut (Mr. SHERMAN) had said that they ought not to be enumerated with goods, wares, and merchandise, he believed they were looked upon by the African traders in this light. He knew it was degrading the human species to annex that character to them; but he would rather do this than continue the actual evil of importing slaves a moment longer. He hoped Congress would do all that lay in their power to restore to human nature its inherent privileges, and, if possible, wipe off the stigma which America labored under. The inconsistency in our principles with which we are justly charged, should be done away; that we may show by our actions the pure beneficence of the doctrine we held out to the world in our Declaration of Independence.

Mr. SHERMAN (of Ct.) thought the principle of the motion and the principle of the bill were inconsistent: the principle of the bill was to raise revenue, the principle of the motion to correct a moral evil. Now, considering it as an object of revenue, it would be unjust, because two or three States would bear the whole burden, while he believed they bore their full proportion of all the rest. He was against receiving the motion into this bill, though he had no objection to taking it up by itself, on the principles of humanity and policy; and therefore would vote against it, if it was not withdrawn.

Mr. AMES (of Mass.) joined the gentleman last up. No one could suppose him favorable to slavery; he detested it from his soul; but he had some doubts whether imposing a duty on the importation would not have the appearance of countenancing the practice. It was certainly a subject of some delicacy, and no one appeared to be prepared for the discussion; he therefore hoped the motion would be withdrawn.

Mr. LIVERMORE was not against the principle of the motion, but in the present case he conceived it improper. If negroes were goods, wares, or merchandise, they came within the title of the bill; if they were not, the bill would be inconsistent; but if they are goods, wares, or merchandise, the 5 per cent. ad valorem, will embrace the importation; and the duty of 5 per cent. is nearly equal to ten dollars per head; so there is no occasion to add it, even on the score of revenue.

Mr. JACKSON (of Geo.) said it was the fashion of the day to favor the liberty of slaves. He would not go into a discussion of the subject, but he believed it was capable of demonstration, that they were better off in their present situation than they would be if they were manumitted. What are they to do if they are discharged? Work for a living? Experience has shown us they will not. Examine what has become of those in Maryland; many of them have been set free in that State; did they turn themselves to industry and useful pursuits? No, they turn out common pickpockets, petty larceny villains; and is this mercy, forsooth, to turn them into a way in which they must lose their lives? — for where they are thrown upon the world, void of property and connections, they cannot get their living but by pilfering. What is to be done for compensation? Will Virginia set all her negroes free? Will they give up the money they cost them? and to whom? When this practice comes to be tried there, the sound of liberty will lose those charms which make it grateful to the ravished ear.

But our slaves are not in a worse situation than they were on the coast of Africa. It is not uncommon there for the parents to sell their children in peace; and in war the whole are taken and made slaves together. In these cases, it is only a change of one slavery for another; and are they not better here, where they have a master bound by the ties of interest and law to provide for their support and comfort in old age, or infirmity, in which, if they were free, they would sink under the pressure of woe for want of assistance?

He would say nothing of the partiality of such a tax; it was admitted by the avowed friends of the measure; Georgia in particular would be oppressed. On this account it would be the most odious tax Congress could impose.

Mr. SCHUREMAN (of N. J.) hoped the gentleman would withdraw his motion, because the present was not the time or place for introducing the business. He thought it had better be brought forward in the House as a distinct proposition. If the gentleman persisted in having the question determined, he would move the previous question, if he was supported.

Mr. MADISON, (of Va.) I cannot concur with gentlemen who think the present an improper time or place to enter into a discussion of the proposed motion. If it is taken up in a separate view, we shall do the same thing at a greater expense of time. But the gentlemen say that it is improper to connect the two objects, because they do not come within the title of the bill. But this objection may be obviated by accommodating the title to the contents. There may be some inconsistency in combining the ideas which gentlemen have expressed, that is, considering the human race as a species of property; but the evil does not arise from adopting the clause now proposed; it is from the importation to which it relates. Our object in enumerating persons on paper with merchandise is to prevent the practice of actually treating them as such, by having them, in future, forming part of the cargoes of goods, wares, and merchandise to be imported into the United States. The motion is calculated to avoid the very evil intimated by the gentleman. It has been said that this tax will be partial and oppressive; but suppose a fair view is taken of this subject, I think we may form a different conclusion. But if it be partial or oppressive, are there not many instances in which we have laid taxes of this nature? Yet are they not thought to be justified by national policy? If any article is warranted on this account, how much more are we authorized to proceed on this occasion? The dictates of humanity, the principles of the people, the national safety

and happiness, and prudent policy, require it of us. The Constitution has particularly called our attention to it; and of all the articles contained in the bill before us, this is one of the last I should be willing to make a concession upon, so far as I am at liberty to go, according to the terms of the Constitution or principles of justice. I would not have it understood that my zeal would carry me to disobey the inviolable commands of either.

I understood it had been intimated, that the motion was inconsistent or unconstitutional. I believe, sir, my worthy colleague has formed the words with a particular reference to the Constitution. Any how, so far as the duty is expressed, it perfectly accords with that instrument; if there are any inconsistencies in it, they may be rectified. I believe the intention is well understood, but I am far from supposing the diction improper. If the description of the persons does not accord with the idea of the gentleman from Georgia, (Mr. JACKSON,) and his idea is a proper one for the committee to adopt, I see no difficulty in changing the phraseology.

I conceive the Constitution, in this particular, was formed in order that the government, whilst it was restrained from laying a total prohibition, might be able to give some testimony of the sense of America with respect to the African trade. We have liberty to impose a tax or duty upon the importation of such persons as any of the States now existing shall think proper to admit; and this liberty was granted, I presume, upon two considerations — the first was, that until the time arrived when they might abolish the importation of slaves, they might have an opportunity of evidencing their sentiments on the policy and humanity of such a trade; the other was, that they might be taxed in due proportion with other articles imported; for if the possessor will consider them as property, of course they are of value, and ought to be paid for. If gentlemen are apprehensive of oppression from the weight of the tax, let them make an estimate of its proportion, and they will find that it very little exceeds five per cent.

ad valorem, so that they will gain very little by having them thrown into that mass of articles; whilst by selecting them in the manner proposed, we shall fulfil the prevailing expectation of our fellow-citizens, and perform our duty in executing the purposes of the Constitution. It is to be hoped that by expressing a national disapprobation of this trade, we may destroy it, and save ourselves from reproaches, and our posterity the imbecility ever attendant on a country filled with slaves.

I do not wish to say any thing harsh to the hearing of gentlemen who entertain different sentiments from me, or different sentiments from those I represent; but if there is any one point in which it is clearly the policy of this nation, so far as we constitutionally can, to vary the practice obtaining under some of the State governments, it is this; but it is certain a majority of the States are opposed to this practice; therefore, upon principle, we ought to discountenance it as far as is in our power.

If I was not afraid of being told that the representatives of the several States are the best able to judge of what is proper and conducive to their particular prosperity, I should venture to say that it is as much the interest of Georgia and South Carolina as of any in the Union. Every addition they receive to their number of slaves tends to weaken them, and renders them less capable of self-defence. In case of hostilities with foreign nations, they will be the means of inviting attack, instead of repelling invasion. It is a necessary duty of the General Government to protect every part of the empire against danger, as well internal as external; every thing, therefore, which tends to increase this danger, though it may be a local affair, yet, if it involves national expense or safety, becomes of concern to every part of the Union, and is a proper subject for the consideration of those charged with the general administration of the government. I hope, in making these observations, I shall not be understood to mean that a proper attention ought not to be paid to the local opinions and

circumstances of any part of the United States, or that the particular representatives are not best able to judge of the sense of their immediate constituents.

If we examine the proposed measure by the agreement there is between it and the existing State laws, it will show us that it is patronized by a very respectable part of the Union. I am informed that South Carolina has prohibited the importation of slaves for several years yet to come: we have the satisfaction, then, of reflecting that we do nothing more than her own laws do at this moment. This is not the case with one State. I am sorry that her situation is such as to seem to require a population of this nature; but it is impossible, in the nature of things, to consult the national good without doing what we do not wish to do to some particular part. Perhaps gentlemen contend against the introduction of the clause on too slight grounds. If it does not conform with the title of the bill, alter the latter; if it does not conform to the precise terms of the Constitution, amend it; but if it will tend to delay the whole bill, that, perhaps, will be the best reason for making it the object of a separate one. If this is the sense of the committee, I shall submit.

Mr. GERRY (of Mass.) thought all duties ought to be laid as equal as possible. He had endeavored to enforce this principle yesterday, but without the success he wished for. He was bound by the principles of justice, therefore, to vote for the proposition; but if the committee were desirous of considering the subject fully by itself, he had no objection; but he thought when gentlemen laid down a principle, they ought to support it generally.

Mr. BURKE (of S. C.) said, gentlemen were contending for nothing; that the value of a slave averaged about £80, and the duty on that sum, at five per cent., would be ten dollars. As Congress could go no further than that sum, he conceived it made no difference whether they were enumerated or left in the common mass.

Mr. MADISON, (of Va.) If we contend for nothing, the

gentlemen who are opposed to us do not contend for a great deal; but the question is, whether the five per cent. ad valorem on all articles imported, will have any operation at all upon the introduction of slaves, unless we make a particular enumeration on this account. The collector may mistake, for he would not presume to apply the term goods, wares, and merchandise to any person whatsoever. But if that general definition of goods, wares, and merchandise is supposed to include African slaves, why may we not particularly enumerate them, and lay the duty pointed out by the Constitution, which, as gentlemen tell us, is no more than five per cent. upon their value? This will not increase the burden upon any, but it will be that manifestation of our sense, expected by our constituents, and demanded by justice and humanity.

Mr. BLAND (of Va.) had no doubt of the propriety or good policy of this measure. He had made up his mind upon it; he wished slaves had never been introduced into America; but if it was impossible at this time to cure the evil, he was very willing to join in any measures that would prevent its extending farther. He had some doubts whether the prohibitory laws of the States were not in part repealed. Those who had endeavored to discountenance this trade, by laying a duty on the importation, were prevented by the Constitution from continuing such regulation, which declares that no State shall lay any impost or duties on imports. If this was the case, and he suspected pretty strongly that it was, the necessity of adopting the proposition of his colleague was now apparent.

Mr. SHERMAN (of Ct.) said, the Constitution does not consider these persons as a species of property; it speaks of them as persons, and says that a tax or duty may be imposed on the importation of them into any State which shall permit the same, but they have no power to prohibit such importation for twenty years. But Congress have power to declare upon what terms persons coming into the United States shall be entitled to citizenship; the rule of naturalization must, however, be uniform. He was convinced there were others ought

to be regulated in this particular, the importation of whom was of an evil tendency; he meant convicts particularly. He thought that some regulation respecting them was also proper; but it being a different subject, it ought to be taken up in a different manner.

Mr. MADISON (of Va.) was led to believe, from the observation that had fallen from the gentleman, that it would be best to make this the subject of a distinct bill: he therefore wished his colleague would withdraw his motion, and move in the House for leave to bring in a bill on the same principles.

Mr. PARKER (of Va.) consented to withdraw his motion, under a conviction that the House was fully satisfied of its propriety. He knew very well that these persons were neither goods nor wares, but they were treated as articles of merchandise. Although he wished to get rid of this part of his property, yet he should not consent to deprive other people of theirs by any act of his, without their consent.

The committee rose, reported progress, and the House adjourned.

FEBRUARY 11th, 1790.

Mr. LAWRENCE (of New York) presented an address from the Society of Friends in the city of New York; in which they set forth their desire of coöperating with their Southern brethren.

Mr. HARTLEY (of Penn.) then moved to refer the address of the annual assembly of Friends, held at Philadelphia, to a committee. He thought it a mark of respect due so numerous and respectable a part of the community.

Mr. WHITE (of Va.) seconded the motion.

Mr. SMITH, (of S. C.) However respectable the petitioners may be, I hope gentlemen will consider that others equally respectable are opposed to the object which is aimed at, and are entitled to an opportunity of being heard before the question is determined. I flatter myself gentlemen will not press the point of commitment to-day, it being contrary to our usual mode of procedure.

Mr. FITZSIMONS, (of Penn.) If we were now about to determine the final question, the observation of the gentleman from South Carolina would apply; but, sir, the present question does not touch upon the merits of the case; it is merely to refer the memorial to a committee, to consider what is proper to be done. Gentlemen, therefore, who do not mean to oppose the commitment to-morrow may as well agree to it to-day, because it will tend to save the time of the House.

Mr. JACKSON (of Ga.) wished to know why the second reading was to be contended for to-day, when it was diverting the attention of members from the great object that was before the committee of the whole? Is it because the feelings of the Friends will be hurt to have their affair conducted in the usual course of business? Gentlemen who advocate the second reading to-day, should respect the feelings of the members who represent that part of the Union which is principally to be affected by the measure. I believe, sir, that the latter class consists of as useful and as good citizens as the petitioners, men equally friends to the revolution, and equally susceptible of the refined sensations of humanity and benevolence. Why, then, should such particular attention be paid to them, for bringing forward a business of questionable policy? If Congress are disposed to interfere in the importation of slaves, they can take the subject up without advisers, because the Constitution expressly mentions all the power they can exercise on the subject.

Mr. SHERMAN (of Conn.) suggested the idea of referring it to a committee, to consist of a member from each State, because several States had already made some regulations on this subject. The sooner the subject was taken up, he thought it would be the better.

Mr. PARKER, (of Va.) I hope, Mr. Speaker, the petition of these respectable people will be attended to with all the readiness the importance of its object demands; and I cannot help expressing the pleasure I feel in finding so considerable a part of the community attending to matters of such momen-

tous concern to the future prosperity and happiness of the people of America. I think it my duty, as a citizen of the Union, to espouse their cause; and it is incumbent upon every member of this House to sift the subject well, and ascertain what can be done to restrain a practice so nefarious. The Constitution has authorized us to levy a tax upon the importation of such persons as the States shall authorize to be admitted. I would willingly go to that extent; and if any thing further can be devised to discountenance the trade, consistent with the terms of the Constitution, I shall cheerfully give it my assent and support.

Mr. MADISON, (of Va.) The gentleman from Pennsylvania, (Mr. FITZSIMONS,) has put this question on its proper ground. If gentlemen do not mean to oppose the commitment to-morrow, they may as well acquiesce in it to-day; and I apprehend gentlemen need not be alarmed at any measure it is likely Congress should take; because they will recollect that the Constitution secures to the individual States the right of admitting, if they think proper, the importation of slaves into their own territory for eighteen years yet unexpired; subject, however, to a tax, if Congress are disposed to impose it, of not more than ten dollars on each person.

The petition, if I mistake not, speaks of artifices used by self-interested persons to carry on this trade; and the petition from New York states a case that may require the consideration of Congress. If any thing is within the Federal authority to restrain such violation of the rights of nations, and of mankind, as is supposed to be practised in some parts of the United States, it will certainly tend to the interest and honor of the community to attempt a remedy, and is a proper subject for our discussion. It may be that foreigners take advantage of the liberty afforded them by the American trade, to employ our shipping in the slave trade between Africa and the West Indies, when they are restrained from employing their own by restrictive laws of their nation. If this is the case, is there any person of humanity that would not wish to

prevent them? Another consideration why we should commit the petition is, that we may give no ground of alarm by a serious opposition, as if we were about to take measures that were unconstitutional.

Mr. STONE (of Md.) feared that if Congress took any measures indicative of an intention to interfere with the kind of property alluded to, it would sink it in value very considerably, and might be injurious to a great number of the citizens, particularly in the Southern States.

He thought the subject was of general concern, and that the petitioners had no more right to interfere with it than any other members of the community. It was an unfortunate circumstance that it was the propensity of sects to imagine they understood the rights of human nature better than all the world beside; and that they would, in consequence, be meddling with concerns in which they had nothing to do.

As the petition relates to a subject of a general nature, it ought to lie on the table as information. He would never consent to refer petitions, unless the petitioners were exclusively interested. Suppose there was a petition to come before us from a society, praying us to be honest in our transactions, or that we should administer the Constitution according to its intention — what would you do with a petition of this kind? Certainly it would remain on your table. He would, nevertheless, not have it supposed that the people had not a right to advise and give their opinion upon public measures; but he would not be influenced by that advice or opinion to take up a subject sooner than the convenience of other business would admit. Unless he changed his sentiments, he would oppose the commitment.

Mr. BURKE (of S. C.) thought gentlemen were paying attention to what did not deserve it. The men in the gallery had come here to meddle in a business with which they had nothing to do; they were volunteering it in the cause of others, who neither expected nor desired it. He had a respect for the body of Quakers, but, nevertheless, he did not believe they

had more virtue or religion than other people, nor perhaps so much, if they were examined to the bottom, notwithstanding their outward pretences. If their petition is to be noticed, Congress ought to wait till counter applications were made, and then they might have the subject more fairly before them. The rights of the Southern States ought not to be threatened, and their property endangered, to please people who were to be unaffected by the consequences.

Mr. HARTLEY (of Penn.) thought the memorialists did not deserve to be aspersed for their conduct, if, influenced by motives of benignity, they solicited the legislature of the Union to repel, as far as in their power, the increase of a licentious traffic. Nor do they merit censure, because their behavior has the appearance of more morality than other people's. But it is not for Congress to refuse to hear the applications of their fellow-citizens, while those applications contain nothing unconstitutional or offensive. What is the object of the address before us? It is intended to bring before this House a subject of great importance to the cause of humanity; there are certain facts to be inquired into, and the memorialists are ready to give all the information in their power; they are waiting, at a great distance from their homes, and wish to return. If, then, it will be proper to commit the petition to-morrow, it will be equally proper to-day, for it is conformable to our practice; beside, it will tend to their conveniency.

Mr. LAWRENCE, (of N. Y.) The gentleman from South Carolina says the petitioners are of a society not known in the laws or Constitution. Sir, in all our acts, as well as in the Constitution, we have noticed this society; or why is it that we admit them to affirm in cases where others are called upon to swear? If we pay this attention to them in one instance, what good reason is there for contemning them in another? I think the gentleman from Maryland (Mr. STONE) carries his apprehensions too far, when he fears that negro property will fall in value by the suppression of the slave trade; not that I suppose it immediately in the power of

Congress to abolish a traffic which is a disgrace to human nature; but it appears to me, that, if the importation was crushed, the value of a slave would be increased instead of diminished; however, considerations of this kind have nothing to do with the present question; gentlemen may acquiesce in the commitment of the memorial, without pledging themselves to support its object.

Mr. JACKSON, (of Ga.) I differ much in opinion with the gentleman last up. I apprehend if, through the interference of the General Government, the slave trade was abolished, it would evince to the people a disposition towards a total emancipation, and they would hold their property in jeopardy. Any extraordinary attention of Congress to this petition may have, in some degree, a similar effect. I would beg to ask those, then, who are so desirous of freeing the negroes, if they have funds sufficient to pay for them? If they have, they may come forward on that business with some propriety; but, if they have not, they should keep themselves quiet, and not interfere with a business in which they are not interested. They may as well come forward, and solicit Congress to interdict the West India trade, because it is injurious to the morals of mankind: from thence we import rum, which has a debasing influence upon the consumer. But, sir, is the whole morality of the United States confined to the Quakers? Are they the only people whose feelings are to be consulted on this occasion? Is it to them we owe our present happiness? Was it they who formed the Constitution? Did they, by their arms or contributions, establish our independence? I believe they were generally opposed to that measure. Why, then, on their application, shall we injure men, who, at the risk of their lives and fortunes, secured to the community their liberty and property? If Congress pay any uncommon degree of attention to their petition, it will furnish just ground of alarm to the Southern States. But why do these men set themselves up, in such a particular manner, against slavery? Do they understand the rights of mankind and the disposition of Prov-

idence better than others? If they were to consult that Book which claims our regard, they will find that slavery is not only allowed, but commended. Their Saviour, who possessed more benevolence and commiseration than they pretend to, has allowed of it. And if they fully examine the subject, they will find that slavery has been no novel doctrine since the days of Cain. But be these things as they may, I hope the House will order the petition to lie on the table, in order to prevent alarming our Southern brethren.

Mr. SEDGWICK, (of Mass.) If it was a serious question, whether the Memorial should be committed or not, I would not urge it at this time; but that cannot be a question for a moment, if we consider our relative situation with the people. A number of men — who are certainly very respectable, and of whom, as a society, it may be said, with truth, that they conform their moral conduct to their religious tenets as much as any people in the whole community — come forward and tell you that you may effect two objects by the exercise of a Constitutional authority which will give great satisfaction. On the one hand, you may acquire revenue, and on the other, restrain a practice productive of great evil. Now, setting aside the religious motives which influenced their application, have they not a right, as citizens, to give their opinion of public measures? For my part, I do not apprehend that any State, or any considerable number of individuals in any State, will be seriously alarmed at the commitment of the petition, from a fear that Congress intend to exercise an unconstitutional authority, in order to violate their rights. I believe there is not a wish of the kind entertained by any member of this body. How can gentlemen hesitate, then, to pay that respect to a memorial which it is entitled to, according to the ordinary mode of procedure in business? Why shall we defer doing that till to-morrow, which we can do to-day? for the result, I apprehend, will be the same in either case.

Mr. SMITH, (of S. C.) The question, I apprehend, is, whether we will take the petition up for a second reading, and

not whether it shall be committed. Now, I oppose this, because it is contrary to our usual practice, and does not allow gentlemen time to consider of the merits of the prayer. Perhaps some gentlemen may think it improper to commit it to so large a committee as has been mentioned; a variety of causes may be supposed to show that such a hasty decision is improper; perhaps the prayer of it is improper. If I understood it right, on its first reading, — though, to be sure, I did not comprehend perfectly all that the petition contained, — it prays that we should take measures for the abolition of the slave trade. This is desiring an unconstitutional act, because the Constitution secures that trade to the States, independent of congressional restrictions, for the term of twenty-one years. If, therefore, it prays for a violation of constitutional rights, it ought to be rejected as an attempt upon the virtue and patriotism of the House.

Mr. BOUDINOT, (of N. J.) It has been said that the Quakers have no right to interfere in this business. I am surprised to hear this doctrine advanced, after it has been so lately contended, and settled, that the people have a right to assemble and petition for redress of grievances. It is not because the petition comes from the Society of Quakers that I am in favor of the commitment, but because it comes from citizens of the United States, who are equally concerned in the welfare and happiness of their country as others. There certainly is no foundation for the apprehensions which seem to prevail in gentlemen's minds. If the petitioners were so uninformed as to suppose that Congress could be guilty of a violation of the Constitution, yet, I trust, we know our duty better than to be led astray by an application from any man, or set of men, whatever. I do not consider the merits of the main question to be before us; it will be time enough to give our opinions upon that, when the committee have reported. If it is in our power, by recommendation, or any other way, to put a stop to the slave trade in America, I do not doubt of its policy; but how far the Constitution will authorize us to

attempt to depress it, will be a question well worthy of our consideration.

Mr. SHERMAN (of Conn.) observed, that the petitioners from New York stated, that they had applied to the legislature of that State to prohibit certain practices which they conceived to be improper, and which tended to injure the well-being of the community; that the legislature had considered the application, but had applied no remedy, because they supposed that power was exclusively vested in the General Government, under the Constitution of the United States; it would, therefore, be proper to commit that petition, in order to ascertain what were the powers of the General Government in the case doubted by the legislature of New York.

Mr. GERRY (of Mass.) thought gentlemen were out of order in entering upon the merits of the main question at this time, when they were considering the expediency of committing the petition; he should, therefore, not follow them further in that track than barely to observe, that it was the right of the citizens to apply for redress in every case they conceived themselves aggrieved in; and it was the duty of Congress to afford redress, as far as is in their power. That their Southern brethren had been betrayed into the slave trade by the first settlers, was to be lamented; they were not to be reflected on for not viewing this subject in a different light — the prejudice of education is eradicated with difficulty; but he thought nothing would excuse the General Government for not exerting itself to prevent, as far as they constitutionally could, the evils resulting from such enormities as were alluded to by the petitioners; and the same considerations induced him highly to commend the part the Society of Friends had taken. It was the cause of humanity they had interested themselves in; and he wished, with them, to see measures pursued by every nation to wipe off the indelible stain which the slave trade had brought upon all who were concerned in it.

Mr. MADISON (of Va.) thought the question before the committee was no otherwise important than as gentlemen made

it so by their serious opposition. Did they permit the commitment of the Memorial as a matter of course, no notice would be taken of it out of doors; it could never be blown up into a decision of the question respecting the discouragement of the African slave trade, nor alarm the owners with an apprehension that the General Government were about to abolish slavery in all the States. Such things are not contemplated by any gentleman: but, to appearance, they decide the question more against themselves than would be the case if it was determined on its real merits, because gentlemen may be disposed to vote for the commitment of a petition, without any intention of supporting the prayer of it.

Mr. WHITE (of Va.) would not have seconded the motion, if he had thought it would have brought on a lengthy debate. He conceived that a business of this kind ought to be decided without much discussion; it had constantly been the practice of the House, and he did not suppose there was any reason for a deviation.

Mr. PAGE (of Va.) said, if the Memorial had been presented by any individual, instead of the respectable body it was, he should have voted in favor of a commitment, because it was the duty of the legislature to attend to subjects brought before them by their constituents. If, upon inquiry, it was discovered to be improper to comply with the prayer of the petitioners, he would say so, and they would be satisfied.

Mr. STONE (of Md.) thought the business ought to be left to take its usual course. By the rules of the House, it was expressly declared that petitions, memorials, and other papers, addressed to the House, should not be debated or decided on the day they were first read.

Mr. BALDWIN (of Ga.) felt at a loss to account why precipitation was used on this occasion, contrary to the customary usage of the House. He had not heard a single reason advanced in favor of it. To be sure, it was said the petitioners are a respectable body of men. He did not deny it; but, certainly, gentlemen did not suppose they were paying respect, to

them, or to the House, when they urged such a hasty procedure. Any how, it was contrary to his idea of respect, and the idea the House had always expressed when they had important subjects under consideration; and therefore he should be against the motion. He was afraid that there was really a little volunteering in this business, as it had been termed by the gentleman from Georgia.

Mr. HUNTINGTON (of Conn.) considered the petitioners as much disinterested as any persons in the United States. He was persuaded they had an aversion to slavery; yet they were not singular in this — others had the same; and he hoped, when Congress took up the subject, they would go as far as possible to prohibit the evil complained of. But he thought that would better be done by considering it in the light of revenue. When the committee of the whole, on the finance business, came to the ways and means, it might properly be taken into consideration, without giving any ground for alarm.

Mr. TUCKER, (of S. C.) I have no doubt on my mind respecting what ought to be done on this occasion. So far from committing the Memorial, we ought to dismiss it without further notice. What is the purport of the Memorial? It is plainly this: to reprobate a particular kind of commerce, in a moral view, and to request the interposition of Congress to effect its abrogation. But Congress have no authority, under the Constitution, to do more than lay a duty of ten dollars upon each person imported; and this is a political consideration, not arising from either religion or morality, and is the only principle upon which we can proceed to take it up. But what effect do these men suppose will arise from their exertions? Will a duty of ten dollars diminish the importation? Will the treatment be better than usual? I apprehend it will not; nay, it may be worse. Because an interference with the subject may excite a great degree of restlessness in the minds of those it is intended to serve, and that may be a cause for the masters to use more rigor towards them than they would otherwise exert. So that these men seem to overshoot

their object. But if they will endeavor to procure the abolition of the slave trade, let them prefer their petitions to the State legislatures, who alone have the power of forbidding the importation. I believe their applications there would be improper; but if they are any where proper, it is there. I look upon the address, then, to be ill judged, however good the intention of the framers.

Mr. SMITH (of S. C.) claimed it as a right, that the petition should lie over till to-morrow.

Mr. BOUDINOT (of N. J.) said it was not unusual to commit petitions on the day they were presented; and the rules of the House admitted the practice by the qualification which followed the positive order, that petitions should not be decided on the day they were first read, "unless where the House shall direct otherwise."

Mr. SMITH (of S. C.) declared his intention of calling the yeas and nays, if gentlemen persisted in pressing the question.

Mr. CLYMER (of Penn.) hoped the motion would be withdrawn for the present, and the business taken up in course to-morrow; because, though he respected the memorialists, he also respected order and the situation of the members.

Mr. FITZSIMONS (of Penn.) did not recollect whether he moved or seconded the motion; but if he had, he should not withdraw it on account of the threat of calling the yeas and nays.

Mr. BALDWIN (of Ga.) hoped the business would be conducted with temper and moderation, and that gentlemen would concede, and pass the subject over for a day at least.

Mr. SMITH (of S. C.) had no idea of holding out a threat to any gentleman. If the declaration of an intention to call the yeas and nays was viewed by gentlemen in that light, he would withdraw that call.

Mr. WHITE (of Va.) hereupon withdrew his motion. And the address was ordered to lie on the table.

FEBRUARY 12, 1790.

The following memorial was presented and read:—

"To the Senate and House of Representatives of the United States: The Memorial of the Pennsylvania Society for promoting the abolition of slavery, the relief of free negroes unlawfully held in bondage, and the improvement of the condition of the African race, respectfully showeth: That from a regard for the happiness of mankind, an association was formed, several years since, in this State, by a number of her citizens, of various religious denominations, for promoting the abolition of slavery, and for the relief of those unlawfully held in bondage. A just and acute conception of the true principles of liberty, as it spread through the land, produced accessions to their numbers, many friends to their cause, and a legislative coöperation with their views, which, by the blessing of Divine Providence, have been successfully directed to the relieving from bondage a large number of their fellow-creatures of the African race. They have also the satisfaction to observe, that, in consequence of that spirit of philanthropy and genuine liberty which is generally diffusing its beneficial influence, similar institutions are forming at home and abroad. That mankind are all formed by the same Almighty Being, alike objects of his care, and equally designed for the enjoyment of happiness, the Christian religion teaches us to believe, and the political creed of Americans fully coincides with the position. Your memorialists, particularly engaged in attending to the distresses arising from slavery, believe it their indispensable duty to present this subject to your notice. They have observed with real satisfaction, that many important and salutary powers are vested in you for 'promoting the welfare and securing the blessings of liberty to the people of the United States;' and as they conceive that these blessings ought rightfully to be administered, without distinction of color, to all descriptions of people, so they indulge themselves in the pleasing expectation, that nothing which can be done for the relief of the unhappy objects of their care will be either omitted or delayed. From a persuasion that equal liberty was originally the portion, and is still the birthright,

of all men, and influenced by the strong ties of humanity and the principles of their institution, your memorialists conceived themselves bound to use all justifiable endeavors to loosen the bands of slavery, and promote a general enjoyment of the blessings of freedom. Under these impressions, they earnestly entreat your serious attention to the subject of slavery; that you will be pleased to countenance the restoration of liberty to those unhappy men, who alone, in this land of freedom, are degraded into perpetual bondage, and who, amidst the general joy of surrounding freemen, are groaning in servile subjection; that you will devise means for removing this inconsistency from the character of the American people; that you will promote mercy and justice towards this distressed race; and that you will step to the very verge of the power vested in you for discouraging every species of traffic in the persons of our fellow-men.

"BENJAMIN FRANKLIN, *President.*

"PHILADELPHIA, *February* 3, 1790."

Mr. HARTLEY (of Penn.) then called up the Memorial presented yesterday, from the annual meeting of Friends at Philadelphia, for a second reading: whereupon the same was read a second time, and moved to be committed.

Mr. TUCKER (of S. C.) was sorry the petition had a second reading, as he conceived it contained an unconstitutional request, and from that consideration he wished it thrown aside. He feared the commitment of it would be a very alarming circumstance to the Southern States; for if the object was to engage Congress in an unconstitutional measure, it would be considered as an interference with their rights; the people would become very uneasy under the government, and lament that they ever put additional powers into its hands. He was surprised to see another memorial on the same subject, and that signed by a man who ought to have known the Constitution better. He thought it a mischievous attempt, as it respected the persons in whose favor it was intended. It would buoy them up with hopes without a foundation; and

as they could not reason on the subject as more enlightened men would, they might be led to do what they would be punished for, and the owners of them, in their own defence, would be compelled to exercise over them a severity they were not accustomed to. Do these men expect a general emancipation of slaves by law? This would never be submitted to by the Southern States without a civil war. Do they mean to purchase their freedom? He believed their money would fall short of the price. But how is it they are more concerned in this business than others? Are they the only persons who possess religion and morality? If the people are not so exemplary, certainly they will admit the clergy are: why then do we not find them uniting in a body, praying us to adopt measures for the promotion of religion and piety, or any moral object? They know it would be an improper interference; and to say the best of this Memorial, it is an act of imprudence, which he hoped would receive no countenance from the House.

Mr. SENEY (of Md.) denied that there was any thing unconstitutional in the Memorial; at least, if there was, it had escaped his attention, and he should be obliged to the gentleman to point it out. Its only object was, that Congress should exercise their constitutional authority to abate the horrors of slavery, as far as they could. Indeed, he considered that all altercation on the subject of commitment was at an end, as the House had impliedly determined yesterday that it should be committed.

Mr. BURKE (of S. C.) saw the disposition of the House, and he feared it would be referred to a committee, maugre all their opposition; but he must insist that it prayed for an unconstitutional measure. Did it not desire Congress to interfere and abolish the slave trade, while the Constitution expressly stipulated that Congress should exercise no such power? He was certain the commitment would sound an alarm, and blow the trumpet of sedition in the Southern States. He was sorry to see the petitioners paid more atten-

tion to than the Constitution; however, he would do his duty, and oppose the business totally; and if it was referred to a committee, as mentioned yesterday, consisting of a member from each state, and he was appointed, he would decline serving.

Mr. SCOTT, (of Penn.) I can't entertain a doubt but the Memorial is strictly agreeable to the Constitution: it respects a part of the duty particularly assigned to us by that instrument, and I hope we may be inclined to take it into consideration. We can, at present, lay our hands upon a small duty of ten dollars. I would take this, and if it is all we can do, we must be content. But I am sorry that the framers of the Constitution did not go farther, and enable us to interdict it for good and all; for I look upon the slave trade to be one of the most abominable things on earth; and if there was neither God nor devil, I should oppose it upon the principles of humanity and the law of nature. I cannot, for my part, conceive how any person can be said to acquire a property in another. Is it by virtue of conquest? What are the rights of conquest? Some have dared to advance this monstrous principle, that the conqueror is absolute master of his conquest; that he may dispose of it as his property, and treat it as he pleases. But enough of those who reduce men to the state of transferable goods, or use them like beasts of burden; who deliver them up as the property or patrimony of another man. Let us argue on principles countenanced by reason and becoming humanity. The petitioners view the subject in a religious light, but I do not stand in need of religious motives to induce me to reprobate the traffic in human flesh; other considerations weigh with me to support the commitment of the Memorial, and to support every constitutional measure likely to bring about its total abolition. Perhaps, in our legislative capacity, we can go no further than to impose a duty of ten dollars; but I do not know how far I might go, if I was one of the judges of the United States, and those people were to come before me, and claim their emancipation; but I am sure I would go as far as I could.

Mr. JACKSON (of Ga.) differed with the gentleman last up, and supposed the master had a qualified property in his slave. He said the contrary doctrine would go to the destruction of every species of personal service. The gentleman said he did not stand in need of religion to induce him to reprobate slavery; but if he is guided by that evidence which the Christian system is founded upon, he will find that religion is not against it; he will see, from Genesis to Revelation, the current setting strong that way. There never was a government on the face of the earth but what permitted slavery. The purest sons of freedom in the Grecian republics, the citizens of Athens and Lacedæmon, all held slaves. On this principle the nations of Europe are associated; it is the basis of the feudal system. But suppose all this to have been wrong: let me ask the gentleman if it is policy to bring forward a business at this moment, likely to light up a flame of civil discord? For the people of the Southern States will resist one tyranny as soon as another. The other parts of the continent may bear them down by force of arms, but they will never suffer themselves to be divested of their property without a struggle. The gentleman says, if he was a federal judge, he does not know to what length he would go in emancipating these people; but I believe his judgment would be of short duration in Georgia; perhaps even the existence of such a judge might be in danger.

Mr. SHERMAN (of Conn.) could see no difficulty in committing the Memorial; because it was probable the committee would understand their business, and perhaps they might bring in such a report as would be satisfactory to gentlemen on both sides of the House.

Mr. BALDWIN (of Ga.) was sorry the subject had ever been brought before Congress, because it was of a delicate nature, as it respected some of the States. Gentlemen who had been present at the formation of this Constitution could not avoid the recollection of the pain and difficulty which the subject caused in that body. The members from the Southern

States were so tender upon this point, that they had well nigh broken up without coming to any determination: however, from the extreme desire of preserving the Union, and obtaining an efficient government, they were induced mutually to concede, and the Constitution jealously guarded what they agreed to. If gentlemen look over the footsteps of that body, they will find the greatest degree of caution used to imprint them, so as not to be easily eradicated; but the moment we go to jostle on that ground, said he, I fear we shall feel it tremble under our feet. Congress have no power to interfere with the importation of slaves, beyond what is given in the 9th section of the first article of the Constitution; every thing else is interdicted to them in the strongest terms. If we examine the Constitution, we shall find the expressions relative to this subject cautiously expressed, and more punctiliously guarded than any other part:—"The migration or importation of such persons shall not be prohibited by Congress." But lest this should not have secured the object sufficiently, it is declared in the same section, "That no capitation or direct tax shall be laid, unless in proportion to the census." This was intended to prevent Congress from laying any special tax upon negro slaves, as they might, in this way, so burden the possessors of them as to induce a general emancipation. If we go on to the 5th article, we shall find the 1st and 5th clauses of the 9th section of the 1st article restrained from being altered before the year 1808.

Gentlemen have said that this petition does not pray for an abolition of the slave trade. I think, sir, it prays for nothing else, and therefore we have no more to do with it than if it prayed us to establish an order of nobility, or a national religion.

Mr. SYLVESTER (of N. Y.) said that he had always been in the habit of respecting the society called Quakers; he respected them for their exertions in the cause of humanity, but he thought the present was not a time to enter into a consideration of the subject, especially as he conceived it to be a business in the province of the State legislatures.

Mr. LAWRENCE (of N. Y.) observed that the subject would undoubtedly come under the consideration of the House; and he thought, that as it was now before them, the present time was as proper as any; he was therefore for committing the Memorial; and when the prayer of it had been properly examined, they could see how far Congress may constitutionally interfere. As they knew the limits of their power on this, as well as on every other occasion, there was no just apprehension to be entertained that they would go beyond them.

Mr. SMITH (of S. C.) insisted that it was not in the power of the House to grant the prayer of the petition, which went to the total abolishment of the slave trade, and it was therefore unnecessary to commit it. He observed, that in the Southern States, difficulties had arisen on adopting the Constitution, inasmuch as it was apprehended that Congress might take measures under it for abolishing the slave trade.

Perhaps the petitioners, when they applied to this House, did not think their object unconstitutional; but now they are told that it is, they will be satisfied with the answer, and press it no further. If their object had been for Congress to lay a duty of ten dollars per head on the importation of slaves, they would have said so; but that does not appear to have been the case. The commitment of the petition, on that ground, cannot be contended. If they will not be content with that, shall it be committed to investigate facts? The petition speaks of none: for what purpose then shall it be committed? If gentlemen can assign no good reason for the measure, they will not support it, when they are told that it will create great jealousies and alarm in the Southern States; for I can assure them that there is no point on which they are more jealous and suspicious than on a business with which they think the government has nothing to do.

When we entered into this confederacy, we did it from political, not from moral motives, and I do not think my constituents want to learn morals from the petitioners. I do not believe they want improvement in their moral system; if they do, they can get it at home.

The gentleman from Georgia has justly stated the jealousy of the Southern States. On entering into this government, they apprehended that the other States, not knowing the necessity the citizens of the Southern States were under to hold this species of property, would, from motives of humanity and benevolence, be led to vote for a general emancipation; and had they not seen that the Constitution provided against the effect of such a disposition, I may be bold to say, they never would have adopted it. And notwithstanding all the calmness with which some gentlemen have viewed the subject, they will find that the discussion alone will create great alarm. We have been told, that if the discussion will create alarm, we ought to have avoided it, by saying nothing; but it was not for that purpose that we were sent here. We look upon this measure as an attack upon the palladium of the property of our country; it is, therefore, our duty to oppose it by every means in our power. Gentlemen should consider that when we entered into a political connection with the other States, this property was there; it was acquired under a former government, conformably to the laws and Constitution; therefore any thing that will tend to deprive them of that property must be an *ex post facto* law, and as such is forbid by our political compact.

I said the States would never have entered into the confederation, unless their property had been guaranteed to them; for such is the state of agriculture in that country, that without slaves it must be depopulated. Why will these people, then, make use of arguments to induce the slave to turn his hand against his master? We labor under difficulties enough from the ravages of the late war. A gentleman can hardly come from that country, with a servant or two, either to this place or Philadelphia, but what there are persons trying to seduce his servants to leave him; and, when they have done this, the poor wretches are obliged to rob their master, in order to obtain a subsistence. All those, therefore, who are concerned in this seduction, are accessories to the robbery.

The reproach which they cast upon the owners of negro property is charging them with the want of humanity. I believe the proprietors are persons of as much humanity as any part of the continent, and are as conspicuous for their good morals as their neighbors. It was said yesterday, that the Quakers were a society known to the laws and the Constitution: but they are no more so than other religious societies; they stand exactly in the same situation; their Memorial, therefore, relates to a matter in which they are no more interested than any other sect, and can only be considered as a piece of advice. It is customary to refer a piece of advice to a committee; but if it is supposed to pray for what they think a moral purpose, is that sufficient to induce us to commit it? What may appear a moral virtue in their eyes, may not be so in reality. I have heard of a sect of Shaking Quakers, who, I presume, suppose their tenets of a moral tendency. I am informed one of them forbids to intermarry; yet in consequence of their shakings and concussions, you may see them with a numerous offspring about them. Now, if these people were to petition Congress to pass a law prohibiting matrimony, I ask, would gentlemen agree to refer such a petition? I think, if they would reject one of that nature as improper, they ought also to reject this.

Mr. PAGE (of Va.) was in favor of the commitment. He hoped that the designs of the respectable memorialists would not be stopped at the threshold, in order to preclude a fair discussion of the prayer of the memorial. He observed that gentlemen had founded their arguments upon a misrepresentation; for the object of the memorial was not declared to be the total abolition of the slave trade, but that Congress would consider whether it be not in reality within their power to exercise justice and mercy, which, if adhered to, they cannot doubt, must produce the abolition of the slave trade. If, then, the prayer contained nothing unconstitutional, he trusted the meritorious effort would not be frustrated. With respect to the alarm that was apprehended, he conjectured there was

none; but there might be just cause, if the Memorial was not taken into consideration. He placed himself in the case of a slave, and said, that on hearing that Congress had refused to listen to the decent suggestions of a respectable part of the community, he should infer that the General Government (from which was expected great good would result to every class of citizens) had shut their ears against the voice of humanity, and he should despair of any alleviation of the miseries he and his posterity had in prospect. If any thing could induce him to rebel, it must be a stroke like this, impressing on his mind all the horrors of despair. But if he was told that application was made in his behalf, and that Congress were willing to hear what could be urged in favor of discouraging the practice of importing his fellow-wretches, he would trust in their justice and humanity, and wait the decision patiently. He presumed that these unfortunate people would reason in the same way; and he therefore conceived the most likely way to prevent danger was to commit the petition. He lived in a State which had the misfortune of having in her bosom a great number of slaves; he held many of them himself, and was as much interested in the business, he believed, as any gentleman in South Carolina or Georgia; yet if he was determined to hold them in eternal bondage, he should feel no uneasiness or alarm on account of the present measure, because he should rely upon the virtue of Congress, that they would not exercise any unconstitutional authority.

Mr. MADISON (of Va.) The debate has taken a serious turn, and it will be owing to this alone if an alarm is created; for had the Memorial been treated in the usual way, it would have been considered as a matter of course, and a report might have been made so as to have given general satisfaction.

If there was the slightest tendency by the commitment to break in upon the Constitution, he would object to it; but he did not see upon what ground such an event was to be apprehended. The petition prayed, in general terms, for the inter-

ference of Congress, so far as they were constitutionally authorized; but even if its prayer was, in some degree, unconstitutional, it might be committed, as was the case on Mr. Churchman's petition, one part of which was supposed to apply for an unconstitutional interference by the General Government.

He admitted that Congress was restricted by the Constitution from taking measures to abolish the slave trade; yet there were a variety of ways by which they could countenance the abolition, and they might make some regulations respecting the introduction of them into the new States to be formed out of the Western Territory, different from what they could in the old settled States. He thought the object well worthy of consideration.

Mr. GERRY (of Mass.) thought the interference of Congress fully compatible with the Constitution, and could not help lamenting the miseries to which the natives of Africa were exposed by this inhuman commerce; and said that he never contemplated the subject without reflecting what his own feelings would be, in case himself, his children, or friends, were placed in the same deplorable circumstances. He then adverted to the flagrant acts of cruelty which are committed in carrying on that traffic, and asked whether it can be supposed that Congress has no power to prevent such transactions. He then referred to the Constitution, and pointed out the restrictions laid on the General Government respecting the importation of slaves. It was not, he presumed, in the contemplation of any gentleman in this House to violate that part of the Constitution; but that we have a right to regulate this business is as clear as that we have any rights whatever; nor has the contrary been shown by any person who has spoken on the occasion. Congress can, agreeably to the Constitution, lay a duty of ten dollars on imported slaves; they may do this immediately. He made a calculation of the value of the slaves in the Southern States, and supposed they might be worth ten millions of dollars. Congress have a right, if

they see proper, to make a proposal to the Southern States to purchase the whole of them, and their resources in the Western Territory may furnish them with means. He did not intend to suggest a measure of this kind; he only instanced these particulars, to show that Congress certainly have a right to intermeddle in the business. He thought that no objection had been offered, of any force, to prevent the commitment of the Memorial.

Mr. BOUDINOT (of N. J.) had carefully examined the petition, and found nothing like what was complained of by gentlemen contained in it; he therefore hoped they would withdraw their opposition, and suffer it to be committed.

Mr. SMITH (of S. C.) said, that as the petitioners had particularly prayed Congress to take measures for the annihilation of the slave trade, and that was admitted on all hands to be beyond their power, and as the petitioners would not be gratified by a tax of ten dollars per head, which was all that was within their power, there was, of consequence, no occasion for committing it.

Mr. STONE (of Md.) thought this Memorial a thing of course; for there never was a society, of any considerable extent, which did not interfere with the concerns of other people; and this kind of interference, whenever it has happened, has never failed to deluge the country in blood. On this principle, he was opposed to the commitment.

The question on the commitment being about to be put, the yeas and nays were called for, and were as follows:—

Yeas—Messrs. Ames, Benson, Boudinot, Brown, Cadwallader, Clymer, Fitzsimons, Floyd, Foster, Gale, Gerry, Gilman, Goodhue, Griffin, Grout, Hartley, Hathorne, Heister, Huntington, Lawrance, Lee, Leonard, Livermore, Madison, Moore, Muhlenberg, Page, Parker, Partridge, Rensselaer, Schureman, Scott, Sedgwick, Seney, Sherman, Sinnickson, Smith of Maryland, Sturges, Thacher, Trumbull, Wadsworth, White, and Wynkoop—43.

Nays—Messrs. Baldwin, Bland, Bourke, Coles, Huger,

Jackson, Mathews, Sylvester, Smith of S. C., Stone, and Tucker — 11.

Whereupon it was determined in the affirmative; and on motion, the Petition of the Society of Friends, at New York, and the Memorial from the Pennsylvania Society for the abolition of slavery, were also referred to a committee.

DEBATE ON COMMITTEE'S REPORT, MARCH, 1790.

ELIOT'S DEBATES.

Mr. TUCKER moved to modify the first paragraph by striking out all the words after the word *opinion*, and to insert the following: That the several memorials proposed to the consideration of this House a subject on which its interference would be unconstitutional, and even its deliberations highly injurious to some of the States in the Union.

Mr. JACKSON rose, and observed that he had been silent on the subject of the reports coming before the committee, because he wished the principles of the resolutions to be examined fairly, and to be decided on their true grounds. He was against the propositions generally, and would examine the policy, the justice, and the use of them; and he hoped, if he could make them appear in the same light to others as they did to him by fair argument, that the gentlemen in opposition were not so determined in their opinions as not to give up their present sentiments.

With respect to the policy of the measure, the situation of the slaves here, their situation in their native country, and the disposal of them in case of emancipation, should be considered. That slavery was an evil habit, he did not mean to controvert; but that habit was already established, and there were peculiar situations in countries which rendered that habit necessary. Such situations the States of South Carolina and Georgia were in: — large tracts of the most fertile lands on the continent remained uncultivated for the want of population.

It was frequently advanced on the floor of Congress, how unhealthy those climates were, and how impossible it was for northern constitutions to exist there. What, he asked, is to be done with this uncultivated territory? Is it to remain a waste? Is the rice trade to be banished from our coasts? Are Congress willing to deprive themselves of the revenue arising from that trade, and which is daily increasing, and to throw this great advantage into the hands of other countries?

Let us examine the use or the benefit of the resolutions contained in the report. I call upon gentlemen to give me one single instance in which they can be of service. They are of no use to Congress. The powers of that body are already defined, and those powers cannot be amended, confirmed, or diminished by ten thousand resolutions. Is not the first proposition of the report fully contained in the Constitution? Is not that the guide and rule of this legislature? A multiplicity of laws is reprobated in any society, and tends but to confound and perplex. How strange would a law appear which was to confirm a law! and how much more strange must it appear for this body to pass resolutions to confirm the Constitution under which they sit! This is the case with others of the resolutions.

A gentleman from Maryland (Mr. STONE) very properly observed, that the Union had received the different States with all their ill habits about them. This was one of these habits established long before the Constitution, and could not now be remedied. He begged Congress to reflect on the number on the continent who were opposed to this Constitution, and on the number which yet remained in the Southern States. The violation of this compact they would seize on with avidity; they would make a handle of it to cover their designs against the government, and many good federalists, who would be injured by the measure, would be induced to join them. His heart was truly federal, and it always had been so, and he wished those designs frustrated. He begged Congress to beware before they went too far: he called on

them to attend to the interests of two whole States, as well as to the Memorials of a society of Quakers, who came forward to blow the trumpet of sedition, and to destroy that Constitution which they had not in the least contributed by personal service or supply to establish.

He seconded Mr. TUCKER'S motion.

Mr. SMITH (of S. C.) said, the gentleman from Massachusetts (Mr. GERRY) had declared that it was the opinion of the select committee, of which he was a member, that the Memorial of the Pennsylvania Society required Congress to violate the Constitution. It was not less astonishing to see Dr. FRANKLIN taking the lead in a business which looks so much like a persecution of the Southern inhabitants, when he recollected the parable he had written some time ago, with a view of showing the impropriety of one set of men persecuting others for a difference of opinion. The parable was to this effect: An old traveller, hungry and weary, applied to the patriarch Abraham for a night's lodging. In conversation, Abraham discovered that the stranger differed with him on religious points, and turned him out of doors. In the night God appeared unto Abraham, and said, Where is the stranger? Abraham answered, I found that he did not worship the true God, and so I turned him out of doors. The Almighty thus rebuked the patriarch: Have I borne with him threescore and ten years, and couldst thou not bear with him one night? Has not the Almighty, said Mr. SMITH, borne with us for more than threescore years and ten? He has even made our country opulent, and shed the blessings of affluence and prosperity on our land, notwithstanding all its slaves; and must we now be ruined on account of the tender consciences of a few scrupulous individuals who differ from us on this point?

Mr. BOUDINOT agreed with the general doctrines of Mr. S., but could not agree that the clause in the Constitution relating to the want of power in Congress to prohibit the importation of such persons as any of the States, *now existing*, shall think proper to admit prior to the year 1808, and authorizing a tax

or duty on such importation not exceeding ten dollars for each person, did not extend to negro slaves. Candor required that he should acknowledge that this was the express design of the Constitution, and therefore Congress could not interfere in prohibiting the importation or promoting the emancipation of them, prior to that period. Mr. BOUDINOT observed, that he was well informed that the tax or duty of ten dollars was provided instead of the five per cent. ad valorem, and was so expressly understood by all parties in the Convention; that therefore it was the interest and duty of Congress to impose this tax, or it would not be doing justice to the States, or equalizing the duties throughout the Union. If this was not done, merchants might bring their whole capital into this branch of trade, and save paying any duties whatever. Mr. BOUDINOT observed, that the gentleman had overlooked the prophecy of St. Peter, where he foretells that, among other damnable heresies, "through covetousness shall they with feigned words make merchandise of you."

[NOTE. — This petition, with others of a similar object, was committed to a select committee; that committee made a report; the report was referred to a committee of the whole House, and discussed on four successive days. It was then reported to the House with amendments, and by the House ordered to be inscribed in its Journals, and then laid on the table.

That report, as amended in committee, is in the following words: —

The committee, to whom were referred sundry memorials from the people called Quakers, and also a memorial from the Pennsylvania Society for promoting the abolition of slavery, submit the following report, (as amended in committee of the whole.)

"First: That the migration or importation of such persons as any of the States now existing shall think proper to admit, cannot be prohibited by Congress prior to the year 1808.

Disunion.

Address
of the
American Anti-Slavery Society;
and
Francis F. Jackson's Letter
on the
Pro-Slavery Character
of the
Constitution.



"Secondly: That Congress have no power to interfere in the emancipation of slaves, or in the treatment of them, within any of the States; it remaining with the several States alone to provide any regulations therein which humanity and true policy may require.

"Thirdly: That Congress have authority to restrain the citizens of the United States from carrying on the African slave trade, for the purpose of supplying foreigners with slaves, and of providing by proper regulations for the humane treatment, during their passage, of slaves imported by the said citizens into the States admitting such importations.

"Fourthly: That Congress have also authority to prohibit foreigners from fitting out vessels in any part of the United States for transporting persons from Africa to any foreign port."]

Address of the Executive Committee of the American Anti-Slavery Society to the Friends of Freedom and Emancipation in the United States.

At the tenth anniversary of the American Anti-Slavery Society, held in the city of New York, May 7th, 1844, — after grave deliberation, and a long and earnest discussion, — it was decided, by a vote of nearly three to one of the members present, that fidelity to the cause of human freedom, hatred of oppression, sympathy for those who are held in chains and slavery in this Republic, and allegiance to God, require that the existing national compact should be instantly dissolved; that secession from the government is a religious and political duty; that the motto inscribed on the banner of Freedom should be, NO UNION WITH SLAVEHOLDERS; that it is impracticable for tyrants and the enemies of tyranny to coalesce and legislate together for the preservation of human rights, or the promotion of the interests of Liberty; and that revolutionary ground should be occupied by all those who ab-

hor the thought of doing evil that good may come, and who do not mean to compromise the principles of Justice and Humanity.

A decision involving such momentous consequences, so well calculated to startle the public mind, so hostile to the established order of things, demands of us, as the official representatives of the American Society, a statement of the reasons which led to it. This is due, not only to the Society, but also to the country and the world.

It is declared by the American people to be a self-evident truth, "that all men are created equal; that they are endowed BY THEIR CREATOR with certain inalienable rights; that among these are *life*, LIBERTY, and the pursuit of happiness." It is further maintained by them, that "all governments derive their just powers from the consent of the governed;" that "whenever any form of government becomes destructive of human rights, it is the right of the people to alter or to abolish it, and institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness." These doctrines the patriots of 1776 sealed with their blood. They would not brook even the menace of oppression. They held that there should be no delay in resisting, at whatever cost or peril, the first encroachments of power on their liberties. Appealing to the great Ruler of the Universe for the rectitude of their course, they pledged to each other "their lives, their fortunes, and their sacred honor," to conquer or perish in their struggle to be free.

For the example which they set to all people subjected to a despotic sway, and the sacrifices which they made, their descendants cherish their memories with gratitude, reverence their virtues, honor their deeds, and glory in their triumphs.

It is not necessary, therefore, for us to prove that a state of slavery is incompatible with the dictates of reason and humanity; or that it is lawful to throw off a government which is at war with the sacred rights of mankind.

We regard this as indeed a solemn crisis, which requires of every man sobriety of thought, prophetic forecast, independent judgment, invincible determination, and a sound heart. A revolutionary step is one that should not be taken hastily, nor followed under the influence of impulsive imitation. To know what spirit they are of — whether they have counted the cost of the warfare — what are the principles they advocate — and how they are to achieve their object, is the first duty of revolutionists.

But, while circumspection and prudence are excellent qualities in every great emergency, they become the allies of tyranny whenever they restrain prompt, bold, and decisive action against it.

We charge upon the present national compact, that it was formed at the expense of human liberty, by a profligate surrender of principle, and to this hour is cemented with human blood.

We charge upon the American Constitution, that it contains provisions, and enjoins duties, which make it unlawful for freemen to take the oath of allegiance to it, because they are expressly designed to favor a slaveholding oligarchy, and, consequently, to make one portion of the people a prey to another.

We charge upon the existing national government, that it is an insupportable despotism, wielded by a power which is superior to all legal and constitutional restraints — equally indisposed and unable to protect the lives or liberties of the people — the prop and safeguard of American slavery.

These charges we proceed briefly to establish: —

I. It is admitted by all men of intelligence, — or if it be denied in any quarter, the records of our national history settle the question beyond doubt, — that the American Union was effected by a guilty compromise between the free and slaveholding States; in other words, by immolating the colored population on the altar of slavery, by depriving the North of equal rights and privileges, and by incorporating the slave system into the government. In the expressive and pertinent

language of Scripture, it was "a covenant with death, and an agreement with hell," — null and void before God from the first hour of its inception — the framers of which were recreant to duty, and the supporters of which are equally guilty.

It was pleaded at the time of its adoption, — it is pleaded now, — that, without such a compromise, there could have been no union; that, without union, the colonies would have become an easy prey to the mother country; and, hence, that it was an act of necessity — deplorable indeed when viewed alone, but absolutely indispensable to the safety of the republic.

To this we reply: The plea is as profligate as the act was tyrannical. It is the jesuitical doctrine, that the end sanctifies the means. It is a confession of sin, but the denial of any guilt in its perpetration. It is at war with the government of God, and subversive of the foundations of morality. It is to make lies our refuge, and under falsehood to hide ourselves, so that we may escape the overflowing scourge. "Therefore, thus saith the Lord God: Judgment will I lay to the line, and righteousness to the plummet; and the hail shall sweep away the refuge of lies, and the waters shall overflow the hiding place." Moreover, "Because ye trust in oppression and perverseness, and stay thereon, therefore this iniquity shall be to you as a breach ready to fall, swelling out in a high wall, whose breaking cometh suddenly at an instant. And he shall break it as the breaking of the potter's vessel that is broken in pieces; he shall not spare."

This plea is sufficiently broad to cover all the oppression and villany that the sun has witnessed in his circuit since God said, "Let there be light." It assumes that to be practicable which is impossible, namely, that there can be freedom with slavery, union with injustice, and safety with bloodguiltiness. A union of virtue with pollution is the triumph of licentiousness. A partnership between right and wrong is wholly wrong. A compromise of the principles of justice is the deification of crime.

Better that the American Union had never been formed than that it should have been obtained at such a frightful cost. If they were guilty who fashioned it, but who could not foresee all its frightful consequences, how much more guilty are they, who, in full view of all that has resulted from it, clamor for its perpetuity! If it was sinful, at the commencement, to adopt it on the ground of escaping a greater evil, is it not equally sinful to swear to support it, for the same reason, or until, in process of time, it be purged from its corruption?

The fact is, the compromise alluded to, instead of effecting a union, rendered it impracticable — unless by the term union we are to understand the absolute reign of the slaveholding power over the whole country, to the prostration of Northern rights. In the just use of words, the American Union is, and always has been, a sham — an imposture. It is an instrument of oppression unsurpassed in the criminal history of the world. How, then, can it be innocently sustained? It is not certain, — it is not even probable, — that if it had not been adopted, the mother country would have reconquered the colonies. The spirit that would have chosen danger in preference to crime, — to perish with justice, rather than live with dishonor, — to dare and suffer whatever might betide rather than sacrifice the rights of one human being, — could never have been subjugated by any mortal power. Surely, it is paying a poor tribute to the valor and devotion of our revolutionary fathers in the cause of liberty, to say that, if they had sternly refused to sacrifice their principles, they would have fallen an easy prey to the despotic power of England.

II. The American Constitution is the exponent of the national compact. We affirm that it is an instrument which no man can innocently bind himself to support, because its anti-republican and anti-Christian requirements are explicit and peremptory; at least, so explicit that, in regard to all the clauses pertaining to slavery, they have been uniformly understood and enforced in the same way by all the courts and

by all the people; and so peremptory, that no individual interpretation or authority can set them aside with impunity. It is not a ball of clay, to be moulded into any shape that party contrivance or caprice may choose it to assume. It is not a form of words, to be interpreted in any manner, or to any extent, or for the accomplishment of any purpose, that individuals in office under it may determine. *It means precisely what those who framed and adopted it meant,* — NOTHING MORE, NOTHING LESS, *as a matter of bargain and compromise.* Even if it can be construed to mean something else, without violence to its language, such construction is not to be tolerated *against the wishes of either party.* No just or honest use of it can be made, in opposition to the plain intentions of its framers, *except to declare the contract at an end, and to refuse to serve under it.*

To the argument, that the words "slaves" and "slavery" are not to be found in the Constitution, and therefore that it was never intended to give any protection or countenance to the slave system, it is sufficient to reply, that though no such words are contained in that instrument, other words were used intelligently and specifically, TO MEET THE NECESSITIES OF SLAVERY; and that these were adopted *in good faith, to be observed until a constitutional change could be effected.* On this point, as to the design of certain provisions, no intelligent man can honestly entertain a doubt. If it be objected, that though these provisions were meant to cover slavery, yet, as they can fairly be interpreted to mean something exactly the reverse, it is allowable to give to them such an interpretation, *especially as the cause of freedom will thereby be promoted,* we reply, that this is to advocate fraud and violence towards one of the contracting parties, *whose coöperation was secured only by an express agreement and understanding between them both, in regard to the clauses alluded to;* and that such a construction, if enforced by pains and penalties, would unquestionably lead to a civil war, in which the aggrieved party would justly claim to have been betrayed, and robbed of their constitutional rights.

Again, if it be said, that those clauses, being immoral, are null and void, we reply, it is true they are not to be observed; but it is also true that they are portions of an instrument, the support of which, AS A WHOLE, is required by oath or affirmation; and, therefore, *because they are immoral*, and BECAUSE OF THIS OBLIGATION TO ENFORCE IMMORALITY, no one can innocently swear to support the Constitution.

Again, if it be objected, that the Constitution was formed by the people of the United States, in order to establish justice, to promote the general welfare, and secure the blessings of liberty to themselves and their posterity, and therefore it is to be so construed as to harmonize with these objects, we reply, again, that its language is *not to be interpreted in a sense which neither of the contracting parties understood*, and which would frustrate every design of their alliance — to wit, *union at the expense of the colored population of the country*. Moreover, nothing is more certain than that the preamble alluded to never included, in the minds of those who framed it, *those who were then pining in bondage* — for, in that case, a general emancipation of the slaves would have instantly been proclaimed throughout the United States. The words, "secure the blessings of liberty to ourselves and our posterity," assuredly meant only the white population. "To promote the general welfare," referred to their own welfare exclusively. "To establish justice," was understood to be for their sole benefit as slaveholders, and the guilty abettors of slavery. This is demonstrated by other parts of the same instrument, and by their own practice under it.

We would not detract aught from what is justly their due; but it is as reprehensible to give them credit for *what they did not possess*, as it is to rob them of what is theirs. It is absurd, it is false, it is an insult to the common sense of mankind, to pretend that the Constitution was intended to embrace the entire population of the country under its sheltering wings; or that the parties to it were actuated by a sense of justice and the spirit of impartial liberty; or that it needs no altera-

tion, but only a new interpretation, to make it harmonize with the object aimed at by its adoption. As truly might it be argued, that because it is asserted in the Declaration of Independence that all men are created equal, and endowed with an inalienable right to liberty, therefore none of its signers were slaveholders, and since its adoption, slavery has been banished from the American soil. The truth is, our fathers were intent on securing liberty to *themselves*, without being very scrupulous as to the means they used to accomplish their purpose. They were not actuated by the spirit of universal philanthropy; and though *in words* they recognized occasionally the brotherhood of the human race, *in practice* they continually denied it. They did not blush to enslave a portion of their fellow-men, and to buy and sell them as cattle in the market, while they were fighting against the oppression of the mother country, and boasting of their regard for the rights of man. Why, then, concede to them virtues which they did not possess? *Why cling to the falsehood that they were no respecters of persons in the formation of the government?*

Alas! that they had no more fear of God, no more regard for man, in their hearts! "The iniquity of the house of Israel and Judah [the North and South] is exceeding great, and the land is full of blood, and the city full of perverseness; for they say, the Lord hath forsaken the earth, and the Lord seeth not."

We proceed to a critical examination of the American Constitution, in its relations to slavery.

In Article 1, Section 9, it is declared, "The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress, prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person."

In this Section, it will be perceived, the phraseology is so guarded as not to imply, *ex necessitate*, any criminal intent or inhuman arrangement; and yet no one has ever had the

hardihood or folly to deny, that it was clearly understood by the contracting parties to mean that there should be no interference with the African slave trade, on the part of the General Government, until the year 1808. For twenty years after the adoption of the Constitution, the citizens of the United States were to be encouraged and protected in the prosecution of that infernal traffic, in sacking and burning the hamlets of Africa, in slaughtering multitudes of the inoffensive natives on the soil, kidnapping and enslaving a still greater proportion, crowding them to suffocation in the holds of the slave ships, populating the Atlantic with their dead bodies, and subjecting the wretched survivors to all the horrors of unmitigated bondage! This awful covenant was strictly fulfilled; and though, since its termination, Congress has declared the foreign slave traffic to be piracy, yet all Christendom knows that the American flag, instead of being the terror of the African slavers, has given them the most ample protection.

The manner in which the 9th Section was agreed to, by the National Convention that formed the Constitution, is thus frankly avowed by the Hon. LUTHER MARTIN,* who was a prominent member of that body: —

"The Eastern States, notwithstanding their aversion to slavery (!) were *very willing to indulge the Southern States* at least with a temporary liberty to prosecute the slave trade, provided the Southern States would, in their turn, *gratify* them by laying no restriction on navigation acts; and after a very little time, the committee, by a great majority, agreed on a report *by which the General Government was to be prohibited from preventing the importation of slaves* for a limited time; and the restrictive clause relative to navigation acts was to be omitted."

Behold the iniquity of this agreement! how sordid were the motives which led to it! what a profligate disregard of justice and humanity on the part of those who had solemnly declared the inalienable right of all men to freedom and equality to be a self-evident truth!

It is due to the National Convention to say, that this Section was not adopted "without considerable opposition." Alluding to it, Mr. MARTIN observes, —

* Speech before the legislature of Maryland, in 1787.

"It was said that we had just assumed a place among independent nations, in consequence of our opposition to the attempts of Great Britain to *enslave us;* that this opposition was grounded upon the preservation of those rights to which God and nature had entitled us, not in *particular*, but in *common with all the rest of mankind;* that we had appealed to the Supreme Being for his assistance, as the God of freedom, who could not but approve our efforts to preserve the rights which he had thus imparted to his creatures; that now, when we scarcely had risen from our knees, from supplicating his aid and protection in forming our government over a free people, a government formed pretendedly on the principles of liberty, and for its preservation, — in that government to have a provision, not only putting it out of its power to restrain and prevent the slave trade, but even encouraging that most infamous traffic, by giving the States power and influence in the Union in proportion as they cruelly and wantonly sport with the rights of their fellow-creatures, ought to be considered as a solemn mockery of, and insult to, that God whose protection we had then implored, and could not fail to hold us up in detestation, and render us contemptible to every true friend of liberty in the world. It was said it ought to be considered that national crimes can only be, and frequently are, punished in this world by *national punishments*, and that the continuance of the slave trade, and thus giving it a national sanction and encouragement, ought to be considered as justly exposing us to the displeasure and vengeance of Him who is equally Lord of all, and who views with equal eye the poor *African slave* and his *American master!* (1)

"It was urged that, by this system, we were giving the General Government full and absolute power to regulate commerce, under which general power it would have a right to restrain, or totally prohibit, the slave trade: it must, therefore, appear to the world absurd and disgraceful to the last degree, that we should except from the exercise of that power the only branch of commerce which is unjustifiable in its nature, and contrary to the rights of mankind. That, on the contrary, we ought rather to prohibit expressly, in our Constitution, the further importation of slaves, and to authorize the General Government, from time to time, to make such regulations as should be thought most advantageous for the gradual abolition of slavery, and the emancipation of the slaves which are already in the States. That slavery is inconsistent with the genius of republicanism, and has a tendency to destroy those principles on which it is supported, as it lessens the sense of the equal rights of mankind, and habituates us to tyranny and oppression. It was further urged that, by this system of government, every State is to be protected, both from foreign invasion and from domestic insurrections; that, from this consideration, it was of the utmost importance it should have a power to restrain the importation of slaves, since in proportion as the number of slaves were increased in any State, in the same proportion the State is weakened and exposed to foreign invasion or domestic insurrection; and by so much less will it be able to protect itself against either, and therefore will, by so much the more, want aid from, and be a burden to, the Union.

"It was further said that, as in this system we were giving the General Government a power, under the idea of national character, or national interest, to regulate even our weights and measures, and had prohibited all possibility of emitting paper money, and passing insolvent laws, &c., it must appear still more extraordinary that we should prohibit the government from interfering with the slave trade, than which nothing could so materially affect both our national honor and interest.

"These reasons influenced me, both on the committee and in convention, most decidedly to oppose and vote against the clause, as it now makes a part of the system." *

Happy had it been for this nation, had these solemn considerations been heeded by the framers of the Constitution! But for the sake of securing some local advantages, they chose to do evil that good might come, and to make the end sanctify the means. They were willing to enslave others, that they might secure their own freedom. They did this

(1) How terribly and justly has this guilty nation been scourged, since these words were spoken, on account of slavery and the slave trade!

* Secret Proceedings, p. 64.

deed deliberately, with their eyes open, with all the facts and consequences arising therefrom before them, in violation of all their heaven-attested declarations, and in atheistical distrust of the overruling power of God. "The Eastern States were very willing to *indulge* the Southern States" in the unrestricted prosecution of their piratical traffic, provided in return they could be *gratified* by no restriction being laid on navigation acts!! Had there been no other provision of the Constitution justly liable to objection, this one alone rendered the support of that instrument incompatible with the duties which men owe to their Creator, and to each other. It was the poisonous infusion in the cup, which, though constituting but a very slight portion of its contents, perilled the life of every one who partook of it.

If it be asked, to what purpose are these animadversions, since the clause alluded to has long since expired by its own limitation — we answer, that if at any time the foreign slave trade could be *constitutionally* prosecuted, it may yet be renewed, under the Constitution, at the pleasure of Congress, whose prohibitory statute is liable to be reversed at any moment, in the frenzy of Southern opposition to emancipation. It is ignorantly supposed that the bargain was, that the traffic *should cease* in 1808; but the only thing secured by it was, the *right* of Congress (not any obligation) to prohibit it at that period. If, therefore, Congress had not chosen to exercise that right, *the traffic might have been prolonged indefinitely under the Constitution.* The right to destroy any particular branch of commerce, implies the right to reëstablish it. True, there is no probability that the African slave trade will ever again be legalized by the national government; but no credit is due the framers of the Constitution on this ground; for, while they threw around it all the sanction and protection of the national character and power for twenty years, *they set no bounds to its continuance by any positive constitutional prohibition.*

Again, the adoption of such a clause, and the faithful exe-

cution of it, prove what was meant by the words of the preamble — "to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity" — namely, that the parties to the Constitution regarded only their own rights and interests, and never intended that its language should be so interpreted as to interfere with slavery, or to make it unlawful for one portion of the people to enslave another, *without an express alteration in that instrument, in the manner therein set forth.* While, therefore, the Constitution remains as it was originally adopted, they who swear to support it are bound to comply with all its provisions, as a matter of allegiance. For it avails nothing to say, that some of those provisions are at war with the law of God and the rights of man, and therefore are not obligatory. Whatever may be their character, they are *constitutionally* obligatory; and whoever feels that he cannot execute them, or swear to execute them, without committing sin, has no other choice left than to withdraw from the government, or to violate his conscience by taking on his lips an impious promise. The object of the Constitution is not to define *what is the law of God,* but WHAT IS THE WILL OF THE PEOPLE — which will is not to be frustrated by an ingenious moral interpretation, by those whom they have elected to serve them.

Article 1, Sect. 2, provides — "Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, *three fifths of all other persons.*"

Here, as in the clause we have already examined, veiled beneath a form of words as deceitful as it is unmeaning in a truly democratic government, is a provision for the safety, perpetuity, and augmentation of the slaveholding power — a

provision scarcely less atrocious than that which related to the African slave trade, and almost as afflictive in its operation — a provision still in force, with no possibility of its alteration, so long as a majority of the slave States choose to maintain their slave system — a provision which, at the present time, enables the South to have twenty-five additional representatives in Congress on the score of *property*, while the North is not allowed to have one — a provision which concedes to the oppressed three fifths of the political power which is granted to all others, and then puts this power into the hands of their oppressors, to be wielded by them for the more perfect security of their tyrannous authority, and the complete subjugation of the non-slaveholding States.

Referring to this atrocious bargain, ALEXANDER HAMILTON remarked in the New York Convention —

"The first thing objected to, is that clause which allows a representation for three fifths of the negroes. Much has been said of the impropriety of representing men who have no will of their own. Whether this be *reasoning* or *declamation*, (!) I will not presume to say. It is the *unfortunate* situation of the Southern States to have a great part of their population, as well as *property*, in blacks. The regulation complained of was one result of *the spirit of accommodation* which governed the Convention; and without this *indulgence*, NO UNION COULD POSSIBLY HAVE BEEN FORMED. But, sir, considering some *peculiar advantages* which *we* derive from them, it is entirely JUST that they should be *gratified*. The Southern States possess certain staples — tobacco, rice, indigo, &c., — which must be *capital* objects in treaties of commerce with foreign nations; and the advantage which they necessarily procure in these treaties will be felt throughout all the States."

If such was the patriotism, such the love of liberty, such the morality of ALEXANDER HAMILTON, what can be said of the character of those who were far less conspicuous than himself in securing American independence, and in framing the American Constitution?

Listen, now, to the opinions of JOHN QUINCY ADAMS, respecting the constitutional clause now under consideration: —

"'In outward show, it is a representation of persons in bondage; in fact, it is a representation of their masters, — the oppressor representing the oppressed.' — 'Is it in the compass of human imagination to devise a more perfect exemplification of the art of committing the lamb to the tender custody of the wolf?' — 'The representative is thus constituted, not the friend, agent and trustee of the person whom he represents, but the most inveterate of his foes.' — 'It was *one* of the curses from that Pandora's box, adjusted at the time, as usual, by a *compromise*, the whole advantage of which enured to the benefit of the South, and to aggravate the burdens of the North.' — 'If there be a parallel to it in human history, it can only be that of the Roman Emperors, who, from the days when Julius Cæsar substituted a military despotism in the place of a republic, among the offices which they always concentrated.

upon themselves, was that of tribune of the people. A Roman Emperor tribune of the people, is an exact parallel to that feature in the Constitution of the United States which makes the master the representative of his slave.' — 'The Constitution of the United States expressly prescribes that no title of nobility shall be granted by the United States. The spirit of this interdict is not a rooted antipathy to the grant of mere powerless empty *titles*, but to titles of *nobility*; to the institution of privileged orders of men. But what order of men under the most absolute of monarchies, or the most aristocratic of republics, was ever invested with such an odious and unjust privilege as that of the separate and exclusive representation of less than half a million owners of slaves, in the Hall of this House, in the chair of the Senate, and in the Presidential mansion?'— 'This investment of power in the owners of one species of property concentrated in the highest authorities of the nation, and disseminated through thirteen of the twenty-six States of the Union, constitutes a privileged order of men in the community, more adverse to the rights of all, and more pernicious to the interests of the whole, than any order of nobility ever known. To call government thus constituted a Democracy is to insult the understanding of mankind. To call it an Aristocracy, is to do injustice to that form of government. Aristocracy is the government of *the best*. Its standard qualification for accession to power *is merit*, ascertained by popular election, recurring at short intervals of time. If even that government is prone to degenerate into tyranny, what must be the character of that form of polity in which the standard qualification for access to power is wealth in the possession of slaves? It is doubly tainted with the infection of riches and of slavery. *There is no name in the language of national jurisprudence that can define it* — no model in the records of ancient history, or in the political theories of Aristotle, with which it can be likened. It was introduced into the Constitution of the United States by an equivocation — a representation of property under the name of persons. Little did the members of the Convention from the free States imagine or foresee what a sacrifice to Moloch was hidden under the mask of this concession.' — 'The House of Representatives of the United States consists of 223 members — all, by the *letter* of the Constitution, representatives only of *persons*, as 135 of them really are; but the other 88, equally representing the *persons* of their constituents, by whom they are elected, also represent, under the name of *other persons*, upwards of two and a half millions of *slaves*, held as the *property* of less than half a million of the white constituents, and valued at twelve hundred millions of dollars. Each of these 88 members represents in fact the whole of that mass of associated wealth, and the persons and exclusive interests of its owners; all thus knit together, like the members of a moneyed corporation, with a capital not of thirty-five or forty or fifty, but of twelve hundred millions of dollars, exhibiting the most extraordinary exemplification of the anti-republican tendencies of associated wealth that the world ever saw.' — 'Here is one class of men, consisting of not more than one fortieth part of the whole people, not more than one thirtieth part of the free population, exclusively devoted to their personal interests, identified with their own as slaveholders of the same associated wealth, and wielding by their votes, upon every question of government or of public policy, two fifths of the whole power of the House. In the Senate of the Union, the proportion of the slaveholding power is yet greater. By the influence of slavery, in the States where the institution is tolerated, over their elections, no other than a slaveholder can rise to the distinction of obtaining a seat in the Senate; and thus, of the 52 members of the Federal Senate, 26 are owners of slaves, and as effectively representatives of that interest as the 88 members elected by them to the House.' — 'By this process it is that all political power in the States is absorbed and engrossed by the owners of *slaves*, and the overruling policy of the States is shaped to strengthen and consolidate their domination. The legislative, executive, and judicial authorities are all in their hands — the preservation, propagation, and perpetuation of the black code of slavery — every law of the legislature becomes a link in the chain of the slave; every executive act a rivet to his hapless fate; every judicial decision a perversion of the human intellect to the justification of *wrong*.' — 'Its reciprocal operation upon the government of the nation is, to establish an artificial majority in the slave representation over that of the free people, in the American Congress, and thereby to make the PRESERVATION, PROPAGATION, AND PERPETUATION OF SLAVERY THE VITAL AND ANIMATING SPIRIT OF THE NATIONAL GOVERNMENT.' — 'The result is seen in the fact that, at this day, the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and five out of nine of the Judges of the Supreme Judicial Court of the United States, are not only citizens of slaveholding States, but individual slaveholders themselves. So are, and constantly have been, with scarcely an exception, all the members of both Houses of Congress from the slaveholding States; and so are, in immensely disproportionate numbers, the commanding officers of the army and navy; the officers of the customs; the registers and receivers of the land offices; and

the postmasters throughout the slaveholding States. — The Biennial Register indicates the birthplace of all the officers employed in the government of the Union. If it were required to designate the owners of this species of property among them, it would be little more than a catalogue of slaveholders.' "

It is confessed by Mr. ADAMS, alluding to the National Convention that framed the Constitution, that "the delegation from the free States, in their extreme anxiety to conciliate the ascendency of the Southern slaveholder, did listen to *a compromise between right and wrong — between freedom and slavery*; of the ultimate fruits of which they had no conception, but which already even now is urging the Union to its inevitable ruin and dissolution, by a civil, servile, foreign and Indian war, all combined in one; a war, the essential issue of which will be between freedom and slavery, and in which the unhallowed standard of slavery will be the desecrated banner of the North American Union — that banner, first unfurled to the breeze, inscribed with the self-evident truths of the Declaration of Independence."

Hence, to swear to support the Constitution of the United States, *as it is*, is to make "a compromise between right and wrong," and to wage war against human liberty. It is to recognize and honor as republican legislators *incorrigible menstealers*, MERCILESS TYRANTS, BLOODTHIRSTY ASSASSINS, who legislate with deadly weapons about their persons, such as pistols, daggers, and bowie-knives, with which they threaten to murder any Northern senator or representative who shall dare to stain their *honor*, or interfere with their *rights!* They constitute a banditti more fierce and cruel than any whose atrocities are recorded on the pages of history or romance. To mix with them on terms of social or religious fellowship, is to indicate a low state of virtue; but to think of administering a free government by their coöperation is nothing short of insanity.

Article 4, Section 2, declares, "No person held to service or labor in one State, *under the laws thereof*, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be de-

livered up on claim of the party to whom such service or labor may be due."

Here is a third clause, which, like the other two, makes no mention of slavery or slaves in express terms; and yet, like them, was intelligently framed and mutually understood by the parties to the ratification, and intended both to protect the slave system and to restore runaway slaves. It alone makes slavery a national institution, a national crime, and all the people who are not enslaved the body-guard over those whose liberties have been cloven down. This agreement, too, has been fulfilled to the letter by the North.

Under the Mosaic dispensation it was imperatively commanded, "Thou shalt not deliver unto his master the servant which is escaped from his master unto thee: he shall dwell with thee, even among you, in that place which he shall choose in one of thy gates, where it liketh him best: thou shalt not oppress him." The warning which the prophet Isaiah gave to oppressing Moab was of a similar kind: "Take counsel, execute judgment; make thy shadow as the night in the midst of the noonday; hide the outcasts; bewray not him that wandereth. Let mine outcasts dwell with thee, Moab; be thou a covert to them from the face of the spoiler." The prophet Obadiah brings the following charge against treacherous Edom, which is precisely applicable to this guilty nation:— "For thy violence against thy brother Jacob, shame shall come over thee, and thou shalt be cut off forever. In the day that thou stoodest on the other side, in the day that the strangers carried away captive his forces, and foreigners entered into his gates, and cast lots upon Jerusalem, *even thou wast as one of them.* But thou shouldst not have looked on the day of thy brother in the day that he became a stranger; neither shouldst thou have rejoiced over the children of Judah in the day of their destruction; neither shouldst thou have spoken proudly in the day of distress; neither shouldst thou have *stood in the cross-way, to cut off those of his that did escape;* neither shouldst thou have *delivered up those of his that did remain* in the day of distress."

How exactly descriptive of this boasted republic is the impeachment of Edom by the same prophet! "The pride of thine heart hath deceived thee, thou whose habitation is high; that saith in thy heart, Who shall bring me down to the ground? Though thou exalt thyself as the eagle, and though thou set thy nest among the stars, thence will I bring thee down, saith the Lord." The emblem of American pride and power is the *eagle*, and on her banner she has mingled *stars* with its *stripes*. Her vanity, her treachery, her oppression, her self-exaltation, and her defiance of the Almighty, far surpass the madness and wickedness of Edom. What shall be her punishment? Truly, it may be affirmed of the American people, (who live not under the Levitical but Christian code, and whose guilt, therefore, is the more awful, and their condemnation the greater,) in the language of another prophet, "They all lie in wait for blood; they hunt every man his brother with a net. That they may do evil with both hands earnestly, the prince asketh, and the judge asketh for a reward; and the great man, he uttereth his mischievous desire: *so they wrap it up.*" Likewise of the colored inhabitants of this land it may be said, "This is a people robbed and spoiled; they are all of them snared in holes, and they are hid in prison-houses; they are for a prey, and none delivereth; for a spoil, and none saith, Restore."

By this stipulation, the Northern States are made the hunting ground of slave-catchers, who may pursue their victims with bloodhounds, and capture them with impunity wherever they can lay their robber hands upon them. At least twenty-five thousand runaway slaves are now in Canada, exiled from their native land, because they could not find throughout its vast extent a single rood on which they could dwell in safety, *in consequence of this provision of the Constitution!* How is it possible, then, for the advocates of liberty to support a government which gives over to destruction one sixth part of the whole population?

It is denied by some at the present day, that the clause

which has been cited was intended to apply to runaway slaves. This indicates either ignorance, or folly, or something worse. JAMES MADISON, as one of the framers of the Constitution, is of some authority on this point. Alluding to that instrument, in the Virginia convention, he said, —

"Another clause *secures us that property which we now possess.* At present, if any slave elopes to any of those States where slaves are free, *he becomes emancipated by their laws;* for the laws of the States are *uncharitable* (!) to one another in this respect; but in this Constitution, 'No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.' THIS CLAUSE WAS EXPRESSLY INSERTED TO ENABLE OWNERS OF SLAVES TO RECLAIM THEM. *This is a better security than any that now exists.* No power is given to the General Government to interpose with respect to the property in slaves now held by the States."

In the same convention, alluding to the same clause, Gov. RANDOLPH said, —

"Every one knows that slaves are held to service or labor. And, when authority is given to owners of slaves to *vindicate their property*, can it be supposed they can be deprived of it? If a citizen of this State, in consequence of this clause, can take his runaway slave in Maryland, can it be seriously thought that, after taking him and bringing him home, he could be made free?"

It is objected that slaves are held as property, and therefore, as the clause refers to persons, it cannot mean slaves. But this is criticism against fact. Slaves are recognized not merely as property, but also as persons — as having a mixed character — as combining the human with the brutal. This is paradoxical, we admit; but slavery is a paradox — the American Constitution is a paradox — the American Union is a paradox — the American government is a paradox; and if any one of these is to be repudiated on that ground, they all are. That it is the duty of the friends of freedom to deny the binding authority of them all, and to secede from them all, we distinctly affirm. After the independence of this country had been achieved, the voice of God exhorted the people, saying, "Execute true judgment, and show mercy and compassion, every man to his brother: and oppress not the widow, nor the fatherless, the stranger, nor the poor; and let none of you imagine evil against his brother in your heart. But they refused to hearken, and pulled away the shoulder, and stopped their ears that they should not hear; yea, they made their

hearts as an adamant stone." "Shall I not visit for these things? saith the Lord. Shall not my soul be avenged on such a nation as this?"

Whatever doubt may have rested on any honest mind, respecting the meaning of the clause in relation to persons held to service or labor, must have been removed by the unanimous decision of the Supreme Court of the United States, in the case of *Prigg* vs. *The State of Pennsylvania.* By that decision, any Southern slave-catcher is empowered to seize and convey to the South, without hinderance or molestation on the part of the State, and without any legal process duly obtained and served, any person or persons, irrespective of caste or complexion, whom he may choose to claim as runaway slaves; and if, when thus surprised and attached, or on their arrival South, they cannot prove by legal witnesses that they are freemen, their doom is sealed! Hence the free colored population of the North are specially liable to become the victims of this terrible power, and all the other inhabitants are at the mercy of prowling kidnappers, because there are multitudes of white as well as black slaves on Southern plantations, and slavery is no longer fastidious with regard to the color of its prey.

As soon as that appalling decision of the Supreme Court was enunciated, in the name of the Constitution, the people of the North should have risen *en masse*, if for no other cause, and declared the Union at an end; and they would have done so if they had not lost their manhood, and their reverence for justice and liberty.

In the fourth section of Article IV., the United States guarantee to protect every State in the Union "against *domestic violence.*" By the eighth section of Article I., Congress is empowered "to provide for calling forth the militia to execute the laws of the Union, *suppress insurrections*, and repel invasions." These provisions, however strictly they may apply to cases of disturbance among the white population, were adopted with special reference to the slave population, for the pur-

pose of keeping them in their chains by the combined military force of the country; and were these repealed, and the South left to manage her slaves as best she could, a servile insurrection would ere long be the consequence, as general as it would unquestionably be successful. Says Mr. MADISON, respecting these clauses, —

"On application of the legislature or executive, as the case may be, the militia of the other States are to be called to suppress domestic insurrections. Does this bar the States from calling forth their own militia? No; but it gives them a *supplementary* security to suppress insurrections and domestic violence."

In answer to PATRICK HENRY'S objection, as urged against the Constitution in the Virginia Convention, that there was no power left to the *States* to quell an insurrection of slaves, as it was wholly vested in Congress, GEORGE NICHOLAS asked, —

"Have they it now? If they have, does the Constitution take it away? If it does, it must be in one of the three clauses which have been mentioned by the worthy member. The first clause gives the General Government power to call them out when necessary. Does this take it away from the States? No; but *it gives an additional security*; for, besides the power in the State Governments to use their own militia, it will be *the duty of the General Government* to aid them WITH THE STRENGTH OF THE UNION, when called for."

This solemn guarantee of security to the slave system caps the climax of national barbarity, and stains with human blood the garments of all the people. In consequence of it, that system has multiplied its victims from seven hundred thousand to nearly three millions; a vast amount of territory has been purchased, in order to give it extension and perpetuity; several new slave States have been admitted into the Union; the slave trade has been made one of the great branches of American commerce; the slave population, though overworked, starved, lacerated, branded, maimed, and subjected to every form of deprivation and every species of torture, have been overawed and crushed, or, whenever they have attempted to gain their liberty by revolt, they have been shot down and quelled by the strong arm of the National Government — as, for example, in the case of NAT TURNER'S insurrection in Virginia, when the naval and military forces of the government were called into active service. Cuban

bloodhounds have been purchased with the money of the people, and imported and used to hunt slave fugitives among the everglades of Florida. A merciless warfare has been waged for the extermination or expulsion of the Florida Indians, because they gave succor to these poor hunted fugitives — a warfare which has cost the nation several thousand lives and forty millions of dollars. But the catalogue of enormities is too long to be recapitulated in the present address.

We have thus demonstrated that the compact between the North and the South embraces every variety of wrong and outrage, is at war with God and man, cannot be innocently supported, and deserves to be immediately annulled. In behalf of the society which we represent, we call upon all our fellow-citizens, who believe it is right to obey God rather than man, to declare themselves peaceful revolutionists, and to unite with us under the stainless banner of Liberty, having for its motto, "EQUAL RIGHTS FOR ALL — NO UNION WITH SLAVEHOLDERS!"

It is pleaded that the Constitution provides for its own amendment, and we ought to use the elective franchise to effect this object. True, there is such a proviso; but, until the amendment be made, that instrument is binding as it stands. Is it not to violate every moral instinct, and to sacrifice principle to expediency, to argue that we may swear to steal, oppress, and murder by wholesale, because it may be necessary to do so only for the time being, and because there is some remote probability that the instrument which requires that we should be robbers, oppressors, and murderers, may at some future day be amended in these particulars? Let us not palter with our consciences in this manner; let us not deny that the compact was conceived in sin, and brought forth in iniquity; let us not be so dishonest, even to promote a good object, as to interpret the Constitution in a manner utterly at variance with the intentions and arrangements of the contracting parties; but, confessing the guilt of the nation, acknowledging the dreadful specifications in the bond, washing our hands in the waters of repentance from all further

participation in this criminal alliance, and resolving that we will sustain none other than a free and righteous government, let us glory in the name of revolutionists, unfurl the banner of disunion, and consecrate our talents and means to the overthrow of all that is tyrannical in the land, — to the establishment of all that is free, just, true, and holy, — to the triumph of universal love and peace.

If, in utter disregard of the historical facts which have been cited, it is still asserted that the Constitution needs no amendment to make it a free instrument, adapted to all the exigencies of a free people, and was never intended to give any strength or countenance to the slave system, the indignant spirit of insulted Liberty replies, "What though the assertion be true? Of what avail is a mere piece of parchment? In itself, though it be written all over with words of truth and freedom, — though its provisions be as impartial and just as words can express or the imagination paint, — though it be as pure as the gospel, and breathe only the spirit of heaven, — it is powerless; it has no executive vitality; it is a lifeless corpse, even though beautiful in death. I am famishing for lack of bread — how is my appetite relieved by holding up to my gaze a painted loaf? I am manacled, wounded, bleeding, dying — what consolation is it to know, that they who are seeking to destroy my life profess in words to be my friends?" If the liberties of the people have been betrayed, — if judgment is turned away backward, and justice standeth afar off, and truth has fallen in the streets, and equity cannot enter, — if the princes of the land are roaring lions, the judges evening wolves, the people light and treacherous persons, the priests covered with pollution, — if we are living under a frightful despotism, which scoffs at all constitutional restraints, and wields the resources of the nation to promote its own bloody purposes, — tell us not that the forms of freedom are still left to us! "Would such tameness and submission have freighted the Mayflower for Plymouth Rock? Would it have resisted the Stamp Act, the Tea Tax, or any of those entering wedges of tyranny with which the British govern-

ment sought to rive the liberties of America? The wheel of the Revolution would have rusted on its axle, if a spirit so weak had been the only power to give it motion." Did our fathers say, when their rights and liberties were infringed, "*Why, what is done cannot be undone.* That is the first thought"? No, it was the last thing they thought of; or, rather, it never entered their minds at all. They sprang to the conclusion at once, "*What is done* SHALL *be undone.* That is our FIRST and ONLY thought."

> "Is water running in our veins? Do we remember still
> Old Plymouth Rock, and Lexington, and famous Bunker Hill?
> The debt we owe our fathers' graves? and to the yet unborn,
> Whose heritage ourselves must make a thing of pride or scorn?
>
> Gray Plymouth Rock hath yet a tongue, and Concord is not dumb;
> And voices from our fathers' graves and from the future come:
> They call on us to stand our ground — they charge us still to be
> Not only free from chains ourselves, but foremost to make free!"

It is of little consequence who is on the throne, if there be behind it a power mightier than the throne. It matters not what is the theory of the government, if the practice of the government be unjust and tyrannical. We rise in rebellion against a despotism incomparably more dreadful than that which induced the colonists to take up arms against the mother country; not on account of a threepenny tax on tea, but because fetters of living iron are fastened on the limbs of millions of our countrymen, and our most sacred rights are trampled in the dust. As citizens of the State, we appeal to the State in vain for protection and redress. As citizens of the United States, we are treated as outlaws in one half of the country, and the National Government consents to our destruction. We are denied the right of locomotion, freedom of speech, the right of petition, the liberty of the press, the right peaceably to assemble together to protest against oppression and plead for liberty — at least in thirteen States of the Union. If we venture, as avowed and unflinching abolitionists, to travel south of Mason and Dixon's line, we do so at the peril of our lives. If we would escape torture and death, on visiting any of the slave States, we must stifle our conscientious convictions, bear no testimony against cruelty

and tyranny, suppress the struggling emotions of humanity, divest ourselves of all letters and papers of an anti-slavery character, and do homage to the slaveholding power, or run the risk of a cruel martyrdom. These are appalling and undeniable facts.

Three millions of the American people are crushed under the American Union! They are held as slaves, trafficked as merchandise, registered as goods and chattels! The government gives them no protection; the government is their enemy; the government keeps them in chains! Where they lie bleeding, we are prostrate by their side; in their sorrows and sufferings we participate; their stripes are inflicted on our bodies; their shackles are fastened on our limbs; their cause is ours! The Union, which grinds them to the dust, rests upon us, and with them we will struggle to overthrow it! The Constitution, which subjects them to hopeless bondage, is one that we cannot swear to support! Our motto is, "NO UNION WITH SLAVEHOLDERS," either religious or political. They are the fiercest enemies of mankind, and the bitterest foes of God! We separate from them, not in anger, not in malice, not for a selfish purpose, not to do them an injury, not to cease warning, exhorting, reproving them for their crimes, not to leave the perishing bondman to his fate — O, no! But to clear our skirts of innocent blood; to give the oppressor no countenance; to signify our abhorrence of injustice and cruelty; to testify against an ungodly compact; to cease striking hands with thieves and consenting with adulterers; to make no compromise with tyranny; to walk worthily of our high profession; to increase our moral power over the nation; to obey God, and vindicate the gospel of his Son; to hasten the downfall of slavery in America and throughout the world.

We are not acting under a blind impulse. We have carefully counted the cost of this warfare, and are prepared to meet its consequences. It will subject us to reproach, persecution, infamy; it will prove a fiery ordeal to all who shall pass through it; it may cost us our lives. We shall be ridiculed as fools, scorned as visionaries, branded as disorganizers,

reviled as madmen, threatened and perhaps punished as traitors. But we shall bide our time. Whether safety or peril, whether victory or defeat, whether life or death be ours, believing that our feet are planted on an eternal foundation, that our position is sublime and glorious, that our faith in God is rational and steadfast, that we have exceeding great and precious promises on which to rely, THAT WE ARE IN THE RIGHT, we shall not falter nor be dismayed, "though the earth be removed, and though the mountains be carried into the midst of the sea." Freemen! are you ready for the conflict? Come what may, will you sever the chain that binds you to a slaveholding government, and declare your independence? Up, then, with the banner of revolution! Not to shed blood; not to injure the person or estate of any oppressor; not by force and arms to resist any law; not to countenance a servile insurrection; not to wield any carnal weapons. No; ours must be a bloodless strife, excepting *our* blood be shed; for we aim, as did Christ our leader, not to destroy men's lives, but to save them; to overcome evil with good; to conquer through suffering for righteousness' sake; to set the captive free by the potency of truth!

Secede, then, from the government. Submit to its exactions, but pay it no allegiance, and give it no voluntary aid. Fill no offices under it. Send no senators or representatives to the National or State legislature; for what you cannot conscientiously perform yourself, you cannot ask another to perform as your agent. Circulate a declaration of DISUNION FROM SLAVEHOLDERS, throughout the country. Hold mass meetings — assemble in conventions — nail your banners to the mast!

Do you ask what can be done, if you abandon the ballot box? What did the crucified Nazarene do without the elective franchise? What did the apostles do? What did the glorious army of martyrs and confessors do? What did Luther and his intrepid associates do? What can women and children do? What has Father Mathew done for teetotal-

ism? What has Daniel O'Connell done for Irish repeal? "Stand, having your loins girt about with truth, and having on the breastplate of righteousness," and arrayed in the whole armor of God!

The form of government that shall succeed the present government of the United States, let time determine. It would be a waste of time to argue that question, until the people are regenerated and turned from their iniquity. Ours is no anarchical movement, but one of order and obedience. In ceasing from oppression, we establish liberty. What is now fragmentary shall in due time be crystallized, and shine like a gem set in the heavens, for a light to all coming ages.

Finally — we believe that the effect of this movement will be, — First, to create discussion and agitation throughout the North; and these will lead to a general perception of its grandeur and importance.

Secondly, to convulse the slumbering South like an earthquake, and convince her that her only alternative is, to abolish slavery, or be abandoned by that power on which she now relies for safety.

Thirdly, to attack the slave power in its most vulnerable point, and to carry the battle to the gate.

Fourthly, to exalt the moral sense, increase the moral power, and invigorate the moral constitution of all who heartily espouse it.

We reverently believe that, in withdrawing from the American Union, we have the God of justice with us. We know that we have our enslaved countrymen with us. We are confident that all free hearts will be with us. We are certain that tyrants and their abettors will be against us.

In behalf of the Executive Committee of the American Anti-Slavery Society.

WM. LLOYD GARRISON, *President.*

WENDELL PHILLIPS,
MARIA WESTON CHAPMAN, } *Secretaries.*

Boston, May 20, 1844.

Letter from Francis Jackson.

BOSTON, 4th July, 1844.

To His Excellency George N. Briggs:

SIR — Many years since, I received from the Executive of the Commonwealth a commission as Justice of the Peace. I have held the office that it conferred upon me till the present time, and have found it a convenience to myself and others. It might continue to be so, could I consent longer to hold it. But paramount considerations forbid, and I herewith transmit to you my commission, respectfully asking you to accept my resignation.

While I deem it a duty to myself to take this step, I feel called on to state the reasons that influence me.

In entering upon the duties of the office in question, I complied with the requirements of the law, by taking an oath "*to support the Constitution of the United States.*" I regret that I ever took that oath. Had I then as maturely considered its full import, and the obligations under which it is understood, and meant to lay those who take it, as I have done since, I certainly never would have taken it, seeing, as I now do, that the Constitution of the United States contains provisions calculated and intended to foster, cherish, uphold, and perpetuate *slavery*. It pledges the country to guard and protect the slave system so long as the slaveholding States choose to retain it. It regards the slave code as lawful in the States which enact it. Still more, "it has done that, which, until its adoption, was never before done for African slavery. It took it out of its former category of municipal law and local life, adopted it as a national institution, spread around it the broad and sufficient shield of national law, and thus gave to slavery a national existence." Consequently, the oath to support the Constitution of the United States is a solemn promise to do that which is morally wrong; that which is a violation of the natural rights of man, and a sin in the sight of God.

I am not in this matter constituting myself a judge of others. I do not say that no honest man can take such an oath, and abide by it. I only say that *I* would not now deliberately take it; and that, having inconsiderately taken it, I can no longer suffer it to lie upon my soul. I take back the oath, and ask you, sir, to receive back the commission, which was the occasion of my taking it.

I am aware that my course in this matter is liable to be regarded as singular, if not censurable; and I must, therefore, be allowed to make a more specific statement of those *provisions of the Constitution* which support the enormous wrong, the heinous sin of slavery.

The very first Article of the Constitution takes slavery at once under its legislative protection, as a basis of representation in the popular branch of the National Legislature. It regards slaves under the description "of all other *persons*"—as of only three fifths of the value of free persons; thus to appearance undervaluing them in comparison with freemen. But its dark and involved phraseology seems intended to blind us to the consideration, that those underrated slaves are merely a *basis*, not the *source* of representation; that by the laws of all the States where they live, they are regarded not as *persons*, but as *things;* that they are not the *constituency* of the representative, but his property; and that the necessary effect of this provision of the Constitution is, to take legislative power out of the hands of *men*, as such, and give it to the mere possessors of goods and chattels. Fixing upon thirty thousand persons, as the smallest number that shall send one member into the House of Representatives, it protects slavery by distributing legislative power in a free and in a slave State thus: To a congressional district in South Carolina, containing fifty thousand slaves, claimed as the property of five hundred whites, who hold, on an average, one hundred apiece, it gives one Representative in Congress; to a district in Massachusetts containing a population of thirty thousand five hundred, one Representative is assigned. But inasmuch as a

slave is never permitted to vote, the fifty thousand persons in a district in Carolina form no part of "the constituency;" *that* is found only in the five hundred free persons. Five hundred freemen of Carolina could send one Representative to Congress, while it would take thirty thousand five hundred freemen of Massachusetts to do the same thing; that is, one slaveholder in Carolina is clothed by the Constitution with the same political power and influence in the Representatives' Hall at Washington, as sixty Massachusetts men like you and me, who "eat their bread in the sweat of their own brows."

According to the census of 1830, and the *ratio* of representation based upon that, slave property added twenty-five members to the House of Representatives. And as it has been estimated (as an approximation to the truth) that the two and a half million slaves in the United States are held as property by about two hundred and fifty thousand persons — giving an average of ten slaves to each slaveholder, — those twenty-five Representatives, each chosen at most by only ten thousand voters, and probably by less than three fourths of that number, were the Representatives not only of the two hundred and fifty thousand persons who chose them, but of *property* which, five years ago, when slaves were lower in market than at present, were estimated by the man who is now the most prominent candidate for the Presidency, at twelve hundred millions of dollars — a sum which, by the natural increase of five years, and the enhanced value resulting from a more prosperous state of the planting interest, cannot now be less than fifteen hundred millions of dollars. All this vast amount of property, as it is "peculiar," is also identical in its character. In Congress, as we have seen, it is animated by one spirit, moves in one mass, and is wielded with one aim; and when we consider that tyranny is always timid, and despotism distrustful, we see that this vast money power would be false to itself, did it not direct all its eyes and hands, and put forth all its ingenuity and energy, to one end — self-protection and self-perpetuation. And this it has ever done. In all the

vibrations of the political scale, whether in relation to a Bank or Sub-Treasury, Free Trade or a Tariff, this immense power has moved, and will continue to move, in one mass, for its own protection.

While the weight of the slave influence is thus felt in the House of Representatives, "in the Senate of the Union," says JOHN QUINCY ADAMS, "the proportion of slaveholding power is still greater. By the influence of slavery in the States where the institution is tolerated, over their elections, no other than a slaveholder can rise to the distinction of obtaining a seat in the Senate; and thus, of the fifty-two members of the federal Senate, twenty-six are owners of slaves, and are as effectually representatives of that interest, as the eighty-eight members elected by them to the House."

The dominant power which the Constitution gives to the slave interest, as thus seen and exercised in the *Legislative Halls* of our nation, is equally obvious and obtrusive in every other department of the National Government.

In the *Electoral colleges*, the same cause produces the same effect — the same power is wielded for the same purpose, as in the Halls of Congress. Even the preliminary nominating conventions, before they dare name a candidate for the highest office in the gift of the people, must ask of the Genius of Slavery, to what votary she will show herself propitious. . This very year, we see both the great political parties doing homage to the slave power, by nominating each a slaveholder for the chair of state. The candidate of one party declares, "I should have opposed, and would continue to oppose, any scheme whatever of emancipation, either gradual or immediate;" and adds, "It is not true, and I rejoice that it is not true, that either of the two great parties of this country has any design or aim at abolition. I should deeply lament it, if it were true."*

The other party nominates a man who says, "I have no

* Henry Clay's speech in the United States Senate in 1839, and confirmed at Raleigh, N. C., 1844.

hesitation in declaring that I am in favor of the immediate re-annexation of Texas to the territory and government of the United States."

Thus both the political parties, and the candidates of both, vie with each other in offering allegiance to the slave power, as a condition precedent to any hope of success in the struggle for the executive chair; a seat that, for more than three fourths of the existence of our constitutional government, has been occupied by a slaveholder.

The same stern despotism overshadows even the sanctuaries of *justice*. Of the nine Justices of the Supreme Court of the United States, five are slaveholders, and of course must be faithless to their own interest, as well as recreant to the power that gives them place, or must, so far as *they* are concerned, give both to law and Constitution such a construction as shall justify the language of John Quincy Adams, when he says, "The legislative, executive, and judicial authorities are all in their hands — for the preservation, propagation, and perpetuation of the black code of slavery. Every law of the legislature becomes a link in the chain of the slave; every executive act a rivet to his hapless fate; every judicial decision a perversion of the human intellect to the justification of wrong."

Thus by merely adverting but briefly to the theory and the practical effect of this clause of the Constitution that I have sworn to support, it is seen that it throws the political power of the nation into the hands of the slaveholders — a body of men, which, however it may be regarded by the Constitution as "persons," is, in fact and practical effect, a vast moneyed corporation, bound together by an indissoluble unity of interest, by a common sense of a common danger; counselling at all times for its common protection; wielding the whole power and controlling the destiny of the nation.

If we look into the legislative halls, slavery is seen in the chair of the presiding officer of each, and controlling the action of both. Slavery occupies, by prescriptive right, the

presidential chair. The paramount voice that comes from the temple of national justice issues from the lips of slavery. The army is in the hands of slavery, and at her bidding must encamp in the everglades of Florida, or march from the Missouri to the borders of Mexico, to look after her interests in Texas.

The navy — even that part that is cruising off the coast of Africa, to suppress the foreign slave trade — is in the hands of slavery.

Freemen of the North, who have even dared to lift up their voice against slavery, cannot travel through the slave States but at the peril of their lives.

The representatives of freemen are forbidden, on the floor of Congress, to remonstrate against the encroachments of slavery, or to pray that she would let her poor victims go.

I renounce my allegiance to a Constitution that enthrones such a power, wielded for the purpose of depriving me of my rights, of robbing my countrymen of their liberties, and of securing its own protection, support, and perpetuation.

Passing by that clause of the Constitution which restricted Congress for twenty years from passing any law against the African slave trade, and which gave authority to raise a revenue on the stolen sons of Africa, I come to that part of the fourth article which guarantees protection against "*domestic violence*," which pledges to the South the military force of the country to protect the masters against their insurgent slaves, and binds us and our children to shoot down our fellow-countrymen who may rise, in emulation of our revolutionary fathers, to vindicate their inalienable "right to life, *liberty*, and the pursuit of happiness:" this clause of the Constitution, I say distinctly, I never will support.

That part of the Constitution which provides for the surrender of fugitive slaves I never have supported, and never will. I will join in no slave hunt. My door shall stand open, as it has long stood, for the panting and trembling victim of the slave hunter. When I shut it against him, may God

shut the door of his mercy against me! Under this clause of the Constitution, and designed to carry it into effect, slavery has demanded that laws should be passed, and of such a character, as have left the free citizen of the North without protection for his own liberty. The question, whether a man seized in a free State as a slave *is* a slave or not, the law of Congress does not allow a jury to determine, but refers it to the decision of a Judge of a United States Court, or even of the humblest State magistrate, it may be, upon the testimony or affidavit of the party most deeply interested to support the claim. By virtue of this law, freemen have been seized and dragged into perpetual slavery; and should I be seized by a slave hunter in any part of the country where I am not personally known, neither the Constitution nor laws of the United States would shield me from the same destiny.

These, sir, are the specific parts of the Constitution of the United States which, in my opinion, are essentially vicious — hostile at once to the liberty and to the morals of the nation. And these are the principal reasons of my refusal any longer to acknowledge my allegiance to it, and of my determination to revoke my oath to support it. I cannot, in order to keep the law of man, break the law of God, or solemnly call him to witness my promise that I will break it.

It is true that the Constitution provides for its own amendment, and that by this process all the guarantees of slavery may be expunged. But it will be time enough to swear to support it when this is done. It cannot be right to do so until these amendments are made.

It is also true that the framers of the Constitution did studiously keep the words "slave" and "slavery" from its face. But, to do our constitutional fathers justice, while they forbore, from very shame, to give the word "slavery" a place in the Constitution, they did not forbear — again to do them justice — to give place in it to the *thing*. They were careful to wrap up the idea and the substance of slavery in the clause for the surrender of the fugitive, though they sacrificed justice in doing so.

There is abundant evidence that this clause touching "persons held to service or labor" not only operates practically, under the judicial construction, for the protection of the slave interest, but that it was *intended* so to operate by the framers of the Constitution. The highest judicial authorities — Chief Justice SHAW, of the Supreme Court of Massachusetts, in the LATIMER case, and Mr. Justice STORY, in the Supreme Court of the United States, in the case of *Prigg* vs. *The State of Pennsylvania* — tell us, I know not on what evidence, that without this "compromise," this security for Southern slaveholders, "the Union could not have been formed." And there is still higher evidence, not only that the framers of the Constitution meant by this clause to protect slavery, but that they did this, knowing that slavery was wrong. Mr. MADISON* informs us that the clause in question, as it came out of the hands of Dr. JOHNSON, the chairman of the "committee on style," read thus: "No person legally held to service, or labor, in one State, escaping into another, shall," &c., and that the word "legally" was struck out, and the words "under the laws thereof" inserted after the word "State," in compliance with the wish of some who thought the term *legal* equivocal, and favoring the idea that slavery was legal "*in a moral view*" — a conclusive proof that, although future generations might apply that clause to other kinds of "service or labor," when slavery should have died out or been killed off by the young spirit of liberty, which was *then* awake and at work in the land, still slavery was what they were wrapping up in "equivocal" words, and wrapping it up for its protection and safe keeping; a conclusive proof that the framers of the Constitution were more careful to protect themselves, in the judgment of coming generations, from the charge of ignorance than of sin; a conclusive proof that they knew that slavery was *not* "legal in a moral view," that it was a violation of the moral law of God, and yet, knowing and confessing its

* Madison Papers, p. 1589.

immorality, they dared to make this stipulation for its support and defence.

This language may sound harsh to the ears of those who think it a part of their duty, as citizens, to maintain that whatever the patriots of the Revolution did was right, and who hold that we are bound to *do* all the iniquity that they covenanted for us that we *should* do. But the claims of truth and right are paramount to all other claims.

With all our veneration for our constitutional fathers, we must admit — for they have left on record their own confession of it — that in this part of their work they *intended* to hold the shield of their protection over a wrong, knowing that it was a wrong. They made a "compromise" which they had no right to make — a compromise of moral principle for the sake of what they probably regarded as "political expediency." I am sure they did not know — no man could know, or can now measure — the extent or the consequences of the wrong that they were doing. In the strong language of JOHN QUINCY ADAMS,* in relation to the article fixing the basis of representation, "Little did the members of the Convention from the free States imagine or foresee what a sacrifice to Moloch was hidden under the mask of this concession."

I verily believe that, giving all due consideration to the benefits conferred upon this nation by the Constitution, — its national unity, its swelling masses of wealth, its power, and the external prosperity of its multiplying millions, — yet the *moral* injury that has been done by the countenance shown to slavery — by holding over that tremendous sin the shield of the Constitution, and thus breaking down, in the eyes of the nation, the barrier between right and wrong; by so tenderly cherishing slavery as, in less than the life of a man, to multiply her children from half a million to nearly three millions; by exacting oaths from those who occupy prominent stations in society that they will violate at once the rights of

* See his Report on the Massachusetts Resolutions.

man and the law of God; by substituting itself as a rule of right in place of the moral laws of the universe, thus in effect dethroning the Almighty in the hearts of this people, and setting up another sovereign in his stead — more than outweighs it all. A melancholy and monitory lesson this to all time-serving and temporizing statesmen! — a striking illustration of the *impolicy* of sacrificing *right* to any considerations of expediency! Yet what better than the evil effects that we have seen could the authors of the Constitution have reasonably expected from the sacrifice of right, in the concessions they made to slavery? Was it reasonable in them to expect that, after they had introduced a vicious element into the very Constitution of the body politic which they were calling into life, it would not exert its vicious energies? Was it reasonable in them to expect that, after slavery had been corrupting the public morals for a whole generation, their children would have too much virtue to *use* for the defence of slavery a power which they themselves had not too much virtue to *give*? It is dangerous for the sovereign power of a State to license immorality — to hold the shield of its protection over any thing that is not "legal in a moral view." Bring into your house a benumbed viper, and lay it down upon your warm hearth, and soon it will not ask you into which room it may crawl. Let slavery once lean upon the supporting arm and bask in the fostering smile of the State, and you will soon see, as we now see, both her minions and her victims multiply apace, till the politics, the morals, the liberties, even the religion of the nation, are brought completely under her control.

To me it appears, that the virus of slavery, introduced into the Constitution of our body politic by a few slight punctures, has now so pervaded and poisoned the whole system of our National Government, that literally there is no health in it. The only remedy that I can see for the disease is to be found in the *dissolution of the patient.*

The Constitution of the United States, both in theory and

practice, is so utterly broken down by the influence and effects of slavery, — so imbecile for the highest good of the nation, and so powerful for evil, — that I can give no voluntary assistance in holding it up any longer.

Henceforth it is dead to me, and I to it. I withdraw all profession of allegiance to it, and all my voluntary efforts to sustain it. The burdens that it lays upon me, while it is held up by others, I shall endeavor to bear patiently, yet acting with reference to a higher law, and distinctly declaring that while I retain my own liberty, I will be a party to no compact which helps to rob any other man of his.

Very respectfully, your friend,

FRANCIS JACKSON.

From Mr. Webster's Speech at Niblo's Gardens.

"We have slavery already amongst us. The Constitution found it amongst us; it recognized it and gave it SOLEMN GUARANTEES. To the full extent of these guarantees we are all bound, in honor, in justice, and by the Constitution. All the stipulations contained in the Constitution *in favor of the slaveholding States*, which are already in the Union, ought to be fulfilled, and so far as depends on me, shall be fulfilled, in the fulness of their spirit and to the exactness of their letter"!!!

Extracts from John Q. Adams's Address at North Bridgewater, November 6, 1844.

"The benefits of the Constitution of the United States were, the restoration of credit and reputation to the country — the revival of commerce, navigation, and ship building — the acquisition of the means of discharging the debts of the Revo-

lution, and the protection and encouragement of the infant and drooping manufactures of the country. All this, however, as is now well ascertained, was insufficient to propitiate the rulers of the Southern States to the adoption of the Constitution. What they specially wanted was *protection.* Protection from the powerful and savage tribes of Indians within their borders, and who were harassing them with the most terrible of wars; and protection from their own negroes — protection from their insurrections — protection from their escape — protection even to the trade by which they were brought into the country — protection, shall I not blush to say, protection to the very bondage by which they were held. Yes! it cannot be denied — the slaveholding lords of the South prescribed, as a condition of their assent to the Constitution, three special provisions to secure the perpetuity of their dominion over their slaves. The first was the immunity for twenty years of preserving the African slave trade; the second was the stipulation to surrender fugitive slaves — an engagement positively prohibited by the laws of God delivered from Sinai; and thirdly, the exaction fatal to the principles of popular representation, of a representation for slaves — for articles of merchandise, under the name of persons.

The reluctance with which the freemen of the North submitted to the dictation of these conditions, is attested by the awkward and ambiguous language in which they are expressed. The word slave is most cautiously and fastidiously excluded from the whole instrument. A stranger, who should come from a foreign land and read the Constitution of the United States, would not believe that slavery or a slave existed within the borders of our country. There is not a word in the Constitution *apparently* bearing upon the condition of slavery, nor is there a provision but would be susceptible of practical execution, if there were not a slave in the land.

The delegates from South Carolina and Georgia distinctly avowed that, without this guarantee of protection to their property in slaves, they would not yield their assent to the

Constitution; and the freemen of the North, reduced to the alternative of departing from the vital principle of their liberty, or of forfeiting the Union itself, averted their faces, and with trembling hand subscribed the bond.

Twenty years passed away — the slave markets of the South were saturated with the blood of African bondage, and from midnight of the 31st of December, 1807, not a slave from Africa was suffered ever more to be introduced upon our soil. But the internal traffic was still lawful, and the *breeding* States soon reconciled themselves to a prohibition which gave them the monopoly of the interdicted trade, and they joined the full chorus of reprobation, to punish with death the slave trader from Africa, while they cherished and shielded and enjoyed the precious profits of the American slave trade exclusively to themselves.

Perhaps this unhappy result of their concession had not altogether escaped the foresight of the freemen of the North; but their intense anxiety for the preservation of the whole Union, and the habit already formed of yielding to the somewhat peremptory and overbearing tone which the relation of master and slave welds into the nature of the lord, prevailed with them to overlook this consideration, the internal slave trade having scarcely existed, while that with Africa had been allowed. But of one consequence which has followed from the slave representation, pervading the whole organic structure of the Constitution, they certainly were not prescient; for if they had been, never — no, never would they have consented to it.

The representation, ostensibly of slaves, under the name of persons, was in its operation an exclusive grant of power to one class of proprietors, owners of one species of property, to the detriment of all the rest of the community. This species of property was odious in its nature, held in direct violation of the natural and inalienable rights of man, and of the vital principles of Christianity; it was all accumulated in one geographical section of the country, and was all held by wealthy

men, comparatively small in numbers, not amounting to a tenth part of the free white population of the States in which it was concentrated.

In some of the ancient, and in some modern republics, extraordinary political power and privileges have been invested in the owners of horses; but then these privileges and these powers have been granted for the equivalent of extraordinary duties and services to the community required of the favored class. The Roman knights constituted the cavalry of their armies, and the bushels of rings gathered by Hannibal from their dead bodies after the battle of Cannæ, amply prove that the special powers conferred upon them were no gratuitous grants. But in the Constitution of the United States, the political power invested in the owners of slaves is entirely gratuitous. No extraordinary service is required of them; they are, on the contrary, themselves grievous burdens upon the community, always threatened with the danger of insurrections, to be smothered in the blood of both parties, master and slave, and always depressing the condition of the poor free laborer, by competition with the labor of the slave. The property in horses was the gift of God to man at the creation of the world; the property in slaves is property acquired and held by crimes, differing in no moral aspect from the pillage of a freebooter, and to which no lapse of time can give a prescriptive right. You are told that this is no concern of yours, and that the question of freedom and slavery is exclusively reserved to the consideration of the separate States. But if it be so, as to the mere question of right between master and slave, it is of tremendous concern to you that this little cluster of slave owners should possess, besides their own share in the representative hall of the nation the exclusive privilege of appointing two fifths of the whole number of the representatives of the people. This is now your condition, under that delusive ambiguity of language and of principle, which begins by declaring the representation in the popular branch of the legislature a representation of persons, and then provides that

one class of persons shall have neither part nor lot in the choice of their representatives; but their elective franchise shall be transferred to their masters, and the oppressors shall represent the oppressed. The same perversion of the representative principle pollutes the composition of the colleges of electors of President and Vice President of the United States, and every department of the government of the Union is thus tainted at its source by the gangrene of slavery.

Fellow-citizens, — with a body of men thus composed, for legislators and executors of the laws, what will, what must be, what has been your legislation? The numbers of freemen constituting your nation are much greater than those of the slaveholding States, bond and free. You have at least three fifths of the whole population of the Union. Your influence on the legislation and the administration of the government ought to be in the proportion of three to two. But how stands the fact? Besides the legitimate portion of influence exercised by the slaveholding States by the measure of their numbers, here is an intrusive influence in every department by a representation nominally of persons, but really of property, ostensibly of slaves, but effectively of their masters, overbalancing your superiority of numbers, adding two fifths of supplementary power to the two fifths fairly secured to them by the compact, CONTROLLING AND OVERRULING THE WHOLE ACTION OF YOUR GOVERNMENT AT HOME AND ABROAD, and warping it to the sordid private interest and oppressive policy of 300,000 owners of slaves.

From the time of the adoption of the Constitution of the United States, the institution of domestic slavery has been becoming more and more the abhorrence of the civilized world. But in proportion as it has been growing odious to all the rest of mankind, it has been sinking deeper and deeper into the affections of the holders of slaves themselves. The cultivation of cotton and of sugar, unknown in the Union at the establishment of the Constitution, has added largely to the

pecuniary value of the slave. And the suppression of the African slave trade as piracy upon pain of death, by securing the benefit of a monopoly to the virtuous slaveholders of the ancient dominion, has turned her heroic tyrannicides into a community of slave breeders and converted the land of GEORGE WASHINGTON, PATRICK HENRY, RICHARD HENRY LEE, and THOMAS JEFFERSON, into a great barracoon — a cattle-show of human beings, an emporium, of which the staple articles of merchandise are the flesh and blood, the bones and sinews of immortal man.

Of the increasing abomination of slavery in the unbought hearts of men at the time when the Constitution of the United States was formed, what clearer proof could be desired, than that the very same year in which that charter of the land was issued, the Congress of the Confederation, with not a tithe of the powers given by the people to the Congress of the new compact, actually abolished slavery forever throughout the whole Northwestern territory without a remonstrance or a murmur. But in the articles of confederation, there was no guarantee for the property of the slaveholder — no double representation of him in the Federal councils — no power of taxation — no stipulation for the recovery of fugitive slaves. But when the powers of *government* came to be delegated to the Union, the South — that is, South Carolina and Georgia — refused their subscription to the parchment, till it should be saturated with the infection of slavery, which no fumigation could purify, no quarantine could extinguish. The freemen of the North gave way, and the deadly venom of slavery was infused into the Constitution of freedom. Its first consequence has been to invert the first principle of democracy, that the will of the majority of numbers shall rule the land. By means of the double representation, the minority command the whole, and a KNOT OF SLAVEHOLDERS GIVE THE LAW AND PRESCRIBE THE POLICY OF THE COUNTRY. To acquire this superiority of a large majority of freemen, a persevering system of engrossing nearly all the

seats of power and place, is constantly for a long series of years pursued, and you have seen in a period of fifty-six years the chief magistracy of the Union held, during forty-four of them, by the owners of slaves. The Executive departments, the Army and Navy, the Supreme Judicial Court and diplomatic missions abroad, all present the same spectacle; — an immense majority of power in the hands of a very small minority of the people — millions made for a fraction of a few thousands.

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From that day (1830) SLAVERY, SLAVEHOLDING, SLAVE BREEDING, AND SLAVE TRADING HAVE FORMED THE WHOLE FOUNDATION OF THE POLICY OF THE FEDERAL GOVERNMENT, and of the slaveholding States, at home and abroad; and at the very time when a new census has exhibited a large increase upon the superior numbers of the free States, it has presented the portentous evidence of increased influence and ascendency of the slaveholding power.

Of the prevalence of that power you have had continual and conclusive evidence in the suppression for the space of ten years of the right of petition, guaranteed, if there could be a guarantee against slavery, by the first article amendatory of the Constitution."

Testimonies respecting the Pro-Slavery Character of the Constitution.

Extracts from Speeches by Hon. Joshua R. Giddings, of Ohio.

The gentleman from South Carolina (Mr. Burt) says he "should like to know what was contemplated by that clause in the Constitution which stipulates for the surrender of fugitive slaves, unless it be that their owners hold property in them." I answer, that clause *means just what it says.* It gives to the holder of slaves *the right to pursue and recapture them in a free state,* precisely as it gives me the right to pursue and retake my apprentice, or my son, in any state to which he may escape. It no more admits the slave to be *property,* than it admits the apprentice or the minor to be property. I am tired of hearing this clause of the Constitution quoted to prove almost every doctrine advanced by southern men. Its provisions are of the most plain and obvious character. It merely provides for *the recapture and return of slaves,* and nothing more.

* * * * *

These are our stipulations. We are to pass no law, make no regulation, by which the person escaping shall be discharged. Our duty thus far is negative. We are *not* to act; we are to refrain from all action, to leave master and slave to themselves.

The latter part of the clause says, "He shall be delivered up on claim of the person to whom such service or labor may be due." How delivered up? This question is distinctly answered by the Supreme Court of the United States, in the case of *Prigg* vs. *The Commonwealth of Pennsylvania.* They say he is to be delivered up in the same manner that we deliver up our friends to the civil officer in our own state. *We are*

bound to permit the master to take him wherever he finds him. We must not secrete him from the master. We must not defend him against the master; nor are we to rescue him from the master's custody after he shall have taken him. This is the way in which he is to be delivered up, according to the high tribunal which is authorized to give construction to the Constitution; and it is worthy of remark that a majority of the Court making this decision were slaveholders. They have determined *our duties;* I believe them *in strict accordance with the intentions of those who framed the Constitution.*

* * * * *

We know, historically, that it was the intention of the framers of that instrument to do no more than to secure to the master *the same right to pursue and capture his slave in a free state, that he possessed to pursue and capture his horse or mule.* This was the view expressed by the Supreme Court in the case of *Prigg* vs. *The Commonwealth of Pennsylvania.*

Extracts from Speeches by Hon. Charles Sumner, of Massachusetts.

It is true that there were compromises at the formation of the Constitution, which were the subject of anxious debate.

There was a compromise between the small and large States, by which equality was secured to all the States in the Senate. There was another compromise finally carried, under threats from the south, *on the motion of a New England member,* by which the slave States were allowed representatives according to the whole number of free persons, and "three-fifths of all other persons," thus securing political power on account of their slaves, in consideration that direct taxes should be apportioned in the same way. Direct taxes have been imposed at only four brief intervals. The political power has been constant, and, at this moment, sends twenty-one members to the other House.

There was a third compromise, which cannot be mentioned

without shame. It was that hateful bargain by which Congress was restrained until 1808 from the prohibition of the foreign slave trade, thus securing, down to that period, toleration for crime. This was pertinaciously pressed by the South, even to the extent of an absolute restraint on Congress. * * * The effrontery of the slave masters was matched by the sordidness of the Eastern members, who yielded again. Luther Martin, the eminent member of the Convention, in his contemporary address to the Legislature of Maryland, has described the compromise. "I found," he says, "that the Eastern members, notwithstanding their aversion to slavery, were very willing to indulge the Southern States at least with a temporary liberty to prosecute the slave trade, *provided the Southern States would in their turn gratify them by laying no restriction on navigation acts.*" The bargain was struck, and at this price the Southern States gained the detestable indulgence. At a subsequent day, Congress branded the slave trade as piracy, and thus, by solemn legislative act, adjudged this compromise to be felonious and wicked.

Such are the three chief original compromises of the Constitution and *essential conditions of Union.*

Extracts from Speeches by Hon. Horace Mann, of Massachusetts.

There may be some further positive law, which, though it does not authorize the buying or selling of a slave, still does provide that an escaped or escaping slave may be recaptured and redelivered into bondage. *Such is the third paragraph of the second section of the fourth article of the Constitution of the United States.* Such, too, is the act of Congress of February 12, 1793, providing for the recapture of fugitive slaves. This, however, would not be without positive law.

The debates in all the conventions for adopting the Constitution of the United States, proceed upon the ground, that

slavery depends upon positive law for its existence. If it did not, — if a man who has a legal right to a slave in Virginia has a legal right to him any where, — then *the provision in the Constitution*, and the act of 1793 for recapturing fugitive slaves, would have been unnecessary.

* * * * *

In regard to this whole matter of slavery, the Constitution touches the subject with an averted face. The abhorred word "*slave*" is nowhere mentioned in it. The Constitution is ashamed to utter such a name. The country, coming fresh from that baptism of fire, — the American Revolution, — would not profane its lips with this unhallowed word. Hence, *circumlocution is resorted to. It seeks to escape a guilty confession. Like a culprit, in whom some love of character still survives, it speaks of its offence without calling it by name.* It uses the reputable and honorable word "persons," instead of the accursed word "slaves." As the Tyrian queen, about to perpetrate a deed which would consign her character to infamy, called it by the sacred name of "marriage," and committed it, —

"*Hoc prætexit nomine culpam;*"

so the Constitution, about to recognize the most guilty and cruel of all relations between man and man, sought to avert its eyes from the act, and to pacify the remonstrances of conscience against every participation in the crime, *by hiding the deed under a reputable word.*

* * * * *

The Constitution provides for the recapture of fugitive slaves. Why did it not provide for the capture of a fugitive horse or ox? Why did it not provide that, if a horse or an ox should escape from a slave State into a free State, it should be delivered up, or be recoverable by legal process? Because horses and oxen are *property*, by the common consent of mankind. It needed no law to make them property. They are property by the law of nations, by the English common law, by the law of every State in this Union, — *while men and*

women are not. An escaped slave could not be recovered before the adoption of the Constitution. *The power to seize upon escaping slaves was one of the motives for adopting it.*

Southern papers and Southern resolution writers have a favorite phrase, that if Congress shall pass any law against the extension of slavery, they will resist it "at any and every hazard." Let us inquire, soberly, what a few of these hazards are: —

First, as to the recovery or non-recovery of fugitive slaves, which is one of the alleged provocatives of dissolution. Take a map of the Southern States, and spread it out before you. Although they cover an area of about nine hundred thousand square miles, yet it is a very remarkable fact, that only an insignificantly small portion of this vast extent lies more than two hundred and fifty miles from a free frontier; and those parts which do lie beyond this distance hold but few slaves. Those portions of North Carolina, South Carolina, Georgia, Alabama, and Tennessee, where their upper boundaries converge among the mountains, are a little more than this distance from a free border; but this territory is relatively insignificant in size, and sparsely populated with slaves. An outside belt or border region of the slave States, no part of which shall be more than one hundred miles from a free frontier, would embrace nearly one half of their whole area, and, as I suppose, much more than one half of their whole population. What is to prevent the easy escape of slaves living within these limits? While God sends nights upon the earth, nothing can prevent it. I venture to predict, that, in such a state of things, slaves will become cheap, and horses will become dear. I am aware of your laws which forbid slaves to cross bridges or ferries without a pass; but you can have no laws against seasons of low water. The old adage says, "Riches have wings." You will find that these riches have legs. The Mississippi and Ohio Rivers, where they border upon free States, will be alive as with shoals of porpoises. *Remember, there is no Constitution of the United*

States now! That you have broken. The free States are, therefore, absolved from all obligation to surrender fugitives. The law of 1793 is at an end. No action can be maintained for aiding them to escape, nor for harboring or concealing them. The distinguished senator from Kentucky (Mr. Clay) said, in his late speech, that no instance had ever come to his knowledge where an action for harboring runaways had been maintained in the courts of the free States, and damages not recovered. But *this remedy you will have annulled.* The Constitution of the United States, and the law of 1793, being at an end, *the law of nature revives.* By this law, every case of an escaping slave is but the self-recovery of stolen goods. When they cross the line into a free State, they are free, — as free as you or I. *The States being separated,* I would as soon return my own brother or sister into bondage, as I would return a fugitive slave.

Here, then, is a free land frontier of about two thousand miles, and a free ocean frontier of about twenty-five hundred miles; and more than one half of all your slaves are within two days' run of it. More than one quarter of them are within one night's run of it. Thousands and tens of thousands can escape, even while you are dining. *Canada, now so distant, is brought five hundred miles nearer.* The underground railroad will be abandoned, and its stock so invested as to yield quicker returns. What facilities for escape, too, will the ocean present! Fleets of vessels are constantly passing and repassing within a few hours' sail of the coast. *The day for the power and the triumph of those whom you hate as abolitionists will have arrived.* Steamboats could lie out of sight of land in the daytime, run in at night, and be out of sight again before the rising of the sun. To guard twenty-five hundred miles of coast is impossible. If you declare war in order to avenge your losses, then that war makes your coast lawfully accessible both by day and by night, and multiplies a hundred fold the opportunities and facilities for this self-recovery of stolen goods. * * * *

Now, the ignorant slave knows but little of geography; but he would know of these avenues to freedom, and nothing but death could extinguish such knowledge, and the hopes it would inspire. Under such circumstances, slavery would melt away upon your borders like an iceberg in the tropics. The particles, that is, the individuals of the exposed surface, would disappear; and you might as well attempt to stop solar evaporation by statutory laws, as to prevent their escape. *Perhaps a dissolution of the Union is the means foreordained of God for the extinction of slavery.*

* * * * *

Will separation bring relief or security [to the South]? No, sir; it will enhance the danger a myriad fold. Thousands will start up, who will think it as much a duty and an honor to assist the slaves in any contest with their masters, as to assist Greeks, or Poles, or Hungarians, in resisting their tyrants. Two things exist at the North which the South does not duly appreciate — the depth and intensity of our abhorrence of slavery, and that reverence for *the law which keeps it in check.* The latter counterpoises the former. We are a law-abiding people. But, *release us from our obligations,* tear off from the bond with your own hands the signatures *which bind our consciences and repress our feelings,* destroy those compensations which the world and which posterity would derive from a continuance of this Union, and well may you tremble for the result. Let men who live in a powder-mill beware how they madden pyrotechnists!

Extracts from Writings of William Ellery Channing, D. D.

The Constitution requires the free States to send back to bondage the fugitive slave. Does this show that we have no concern with the domestic institutions of the South? that the guilt of them, if such there be, is wholly theirs, and in no degree ours? This clause makes us direct partakers of the

guilt; and, of consequence, we have a vital interest in the matter of slavery.

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It will be said, that the South will insist on this stipulation, because it is necessary to the support of her institutions. If the necessity be real, then it follows that *the free States are the guardians and essential supports of slavery. We are the jailers and constables of the institution;* and yet we are told that we sustain no relation to slavery, that it is in no degree our concern.

* * * * *

But it is said the South is passionate, and threatens to secede, if we agitate this subject of slavery. . . . In such an event, there would be no need of anti-slavery societies, of abolition agitations, to convert the North. The blow that would sever the Union for this cause would produce an instantaneous explosion to shake the whole land. The moral sentiment against slavery, *now kept down by the interests and duties which grow out of union*, would burst its fetters, and be reënforced by the whole strength of the patriotic principle, as well as by all the prejudices and local passions which would follow disunion.

* * * * *

There is some excuse for communities, when, under a generous impulse, they espouse the cause of the oppressed in other states, and by force restore their rights; but *they are without excuse in aiding other States in binding on men an unrighteous yoke.* On this subject OUR FATHERS, IN FRAMING THE CONSTITUTION, SWERVED FROM THE RIGHT. We, their children, at the end of half a century, see the path of duty more clearly than they, and *must walk in it.* To this point the public mind has long been tending, and the time has come for looking at it fully, dispassionately, and with manly and Christian resolution.

* * * * *

We in the free States try to escape the reproach which

falls on America, by saying that this institution is not ours, that the foot of the slave never pressed our soil; but we cannot fly from the shame or guilt of the institution as long as we give it any support. Most unhappily, *there are provisions of the Constitution binding us to give it support.* Let us resolve to free ourselves from these. Let us say to the South, "We shall use no force to subvert your slavery; neither will we use it to uphold the evil." Let no temptations, no love of gain, seduce us to abet or sanction this wrong. There is something worse than to be a slave. It is, to make other men slaves. Better be trampled in the dust than trample on a fellow-creature.

* * * * *

No blessings of the Union can be a compensation for taking part in the enslaving of our fellow-creatures; nor ought this bond to be perpetuated, if experience shall demonstrate that it can only continue through our participation in wrong doing. To this conviction the free States are tending.

Extracts from Speeches by Rev. Theodore Parker, of Boston.

In 1787, America inaugurated slavery into the Constitution.

1. She left it in the slave States as part of the "Republican" Institutions.

2. Next, she provided that the owners of slaves should have their property represented in Congress, five slaves counting the same as three freemen; and, at this day, in consequence of this iniquitous act, for the 3,204,000 slaves which she has stolen and unjustly holds, the South has delegates in Congress equal to the representation of almost two millions of freemen in New England.

3. It was agreed, also, that slaves, escaping from the service of their masters into a free State, should not thereby recover their freedom, but should be "delivered up."

Here were three concessions made to slavery at first. They were at variance with the programme of principles in

the Declaration; the programme of purpose in the Constitution's preamble. They were known to be at variance with the religion of Jesus in the New Testament; at variance with the laws of Nature and of God. The Convention was ashamed of the whole thing, and added hypocrisy to its crime; it did not dare mention the word *slave*. That was the first great step against freedom. It has cost us millions of people. We should have had a population counting millions more. It has cost us hundreds of millions of money. The whig is poorer, the democrat has a smaller majority. Ay, it has cost us what is worth more than both money and human life — it has cost manhood; it has caused us crime, falseness to our nature and our God. Just now the "Christian Republic" commits a greater offence against the fundamental principles of all morality, all religion, than the Russian or the Turk, or any pagan despotism in the wide world.

* * * * *

If the Union were to be dissolved, and a great Northern Commonwealth were to be organized, with the idea of freedom, three quarters of the politicians, Federal and State, would pass into contempt and oblivion; all that class of northern demagogues who scoff at God's law, such as filled the offices of the late whig administration in its day of power, or as fill the offices of the democratic administration to-day, — they would drop down so deep that no plummet would ever reach them. You would never hear of them again.

Gratitude is not a very common virtue; but gratitude to the hand of slavery, which feeds these creatures, is their sole and single moral excellence: they have that form of gratitude. When the hand of slavery is cut off, that class of men will perish just as caterpillars die, when, some day in May, the farmer cuts off from the old tree a great branch to graft in a better fruit. The caterpillars will not vote for the grafting. That class of men will go for the Union while it serves them.

* * * * *

There is one kind of property which is not safe just now

— property in men. It is the only kind of property which is purely the creature of violence and law; it has no root in itself.

Now, *the Union protects that "property."* There are three hundred thousand slaveholders, owning thirteen hundred millions of dollars invested in men. *Their wealth depends on the Union;* destroy that, and their unnatural property will take to itself legs and run off, seeking liberty by flight, or else stay at home, and, like an Anglo-Saxon, take to itself firebrands and swords, and burn down the master's house, and cut the master's throat. So the slaveholder wants the Union; he makes money by it.

Hon. William Slade, Ex-Governor of Vermont, says of the Constitution, —

The grant in the Constitution of a right to reclaim to bondage the fugitive, struggling and panting for the enjoyment of his "inalienable" rights, was as unjust as it was inconsistent with the fundamental principles of our government, and unprecedented in the history of the world. I cannot look at this feature of the Constitution without saying, in the language of Jefferson, that "I tremble when I remember that God is just." There is not a groan of the agonized fugitive, forced back to bondage under the authority of that Constitution, that does not enter the ears of Him who heareth the sighing of the prisoners, and whose judgments guilty nations must, sooner or later, be made to feel.

It is time that the nation should open its eyes to the true character of this feature in its constitutional compact, as well as of that other provision which yielded the three fifths slave representation in Congress. It is now apparent that these concessions to slavery did, in fact, yield up this nation to the dominion of the slave power for more than half a century. How much longer it shall continue is for the freemen of the free States to determine.

Extracts from an Address on the Annexation of Texas, by Hon. Stephen C. Phillips, of Salem.

Politically considered, slavery must be traced back to the formation of the Federal Constitution. By recurring to the transactions of that period, we shall readily ascertain, that, not then content to withdraw itself from notice as a municipal institution, sufficiently sheltered within the Constitutions of the States, it presented the first claim to *the protection of the general government*, and, by *the guarantees which it exacted*, became enabled to *draw its life-blood from the vitals of the Union*. By the political power secured to it as a basis of representation, by the obligation which is imposed upon every State government, and the citizens of every State, to recognize and enforce its claims, *slavery stands forth in the Federal Constitution*, and presents itself to the view of every observer of our institutions as *a great national concern*, and it is seen and felt that every State is thus made, in a measure, responsible for maintaining or submitting to it.

* * * * *

Still, while I am reluctant to receive the Constitution from the hands of its framers as a bequest of slavery to their posterity, I am compelled to admit, that, in the light of the subsequent history of the country, I now see clearly, that, in its legislative and judicial interpretation, in the claims which have arisen under it, in the measures in which its authority has been exercised, *the Federal Constitution has practically become the palladium of slavery*, — that, by virtue of its provisions, though it is not named in one of them, slavery has been accredited as an institution, and has been maintained as such on the basis of a compact binding upon all the States, — and that the "*compromises of the Constitution*," in the popular sense of that Shibboleth of the anti-abstractionists, comprehend the power to enforce the most odious pretensions of slavery, and especially to make the free States the instruments of guarding it against the influences of freedom, even to the extent of requiring of their citizens, in opposition to

their moral and religious principles, to act as a police for the arrest of fugitives, and to expose their lives in military service in resisting the retributive consequences of insurrection.

Directly, then, in a manner and degree which should make us constantly realize our responsibility, are we of the free States required to exert our political influence in support of slavery. *While the Federal Constitution lasts, it will be the free States, as much as the slave, that will sustain a relation to slavery indispensable to its security and continuance.* To the slave panting for his liberty, the attempt is accompanied with but little risk, in most cases, to escape from his master in a slave State; he begins to realize his danger, and to encounter an insuperable obstacle, when he feels the power of the Federal Government, upon reaching the confines of a free State. If he can but touch the soil which the monarchy of Great Britain has not yet surrendered to the republic of America, that moment he is free; but in each one of our free States, in Massachusetts, *he must still be recognized as a slave,* and it is our only duty, under the Federal Constitution, *to rebind his chains,* and to become instrumental in inflicting all the pangs and hardships which await his return to bondage. It is true that public opinion, as it shall become enlightened, humanized, and Christianized, will render too odious and disgraceful the act of arresting fugitives for any to be willing to undertake it; but public opinion will then have *outgrown the Constitution,* AND WILL BE IN CONFLICT WITH IT; and, therefore, to meet such an exigency as soon as it arises, the Constitution must be so far amended *or repudiated. While it lasts, and so long as we shall support it, slavery can be no abstraction to us;* and, in view of our liabilities in cases both of escape and insurrection, we must have much to do in sustaining it — much that should make us ashamed of our position as it is now regarded by the civilized world, and enough to cause us to tremble as we anticipate our share of the righteous judgments of God.

The provision of the Constitution which secures to the

owners of slaves a representation in Congress, founded upon what is essentially a property basis, is in its nature so great a wrong, and has proved in its operation so great an injury, to the people of the free States, that it is their unquestionable right and duty to seek to apply the only remedy which the case admits.

Extracts from the speech of Hon. Josiah Quincy, Senior, at the Whig State Convention, Boston, August 16, 1854.

The slaveholders of the South have used the powers *vested in them by the Constitution* for their own interests, as every other selfish association of men would have done, under the same circumstances, with the same powers, and under the same temptations.

* * * * *

The Nebraska fraud is not the burden on which I intend now to speak. There is one nearer home, more immediately present, and more insupportable. Of what that burden is, I shall speak plainly. The obligation incumbent upon the free States to deliver up fugitive slaves is that burden — *and it must be obliterated from the Constitution, at every hazard.*

* * * * *

Is there a man in Massachusetts, with a spirit so low, so debased, so corrupted by his fears or his fortune, that he is prepared to say, that this is a condition of things to be endured, in perpetuity, by us, and that this is an inheritance to be transmitted by us to our children for all generations? For, so long as the fugitive slave clause remains in the Constitution of the United States, unobliterated, *it is an obligation perpetuál upon them, as well as upon us.* So long as it remains, there is not a militia man in Massachusetts who may not be compelled, to-morrow, to cut the throat or blow out the brains of a fellow-citizen, at the will of the basest slaveholder.

But I hear some timid brother exclaim, "Why, this is,

in effect, a dissolution of the Union. Did not the Southern slaveholders tell us, before the adoption of the Constitution, that without the fugitive slave clause they would not come into the Union; and have they not told us every day since its adoption, that whenever that clause is obliterated, they will go out of it?" And do you believe them any the more for this reiterated threat and eternal outcry? Does not the nature of things speak a louder language than these threateners? Are the slaveholders fools or madmen? They go out of this Union for the purpose of maintaining the subjection of their slaves? Why, *the arm of the Union is the very sinew of that subjection!* IT IS THE SLAVEHOLDER'S MAIN STRENGTH. *Its continuance is his forlorn hope.*

In an address illustrative of the nature and power of the slave system, and the duties of the free States, delivered at Quincy, June 5, 1856, the same venerable statesman says,—

More than fifty years' attentive observation of the operations of the slave power in this Union compels me to declare, that the provision of the Constitution of the United States, which gave to them the weight of their slaves in the balance of power, has been *the great misfortune* of this Union, and will be its destruction, unless the free States rally to its rescue, and take possession of the government. A longer continuance of it in the hands of slaveholders seems practicably impossible.

I know that, on this subject, the free States are always ominously told, "that, if the slave States cannot continue to govern the Union, they will go out of it." It is a question of some curiosity, where, in such case, these emigrating gentlemen will go, and what they will do with that living, slippery luggage they must carry with them. * * *

Many years ago, JOHN QUINCY ADAMS related a conversation which he once had with JOHN C. CALHOUN on this very subject. "The impression which it produced on my mind," said Mr. Adams, "is, that *the bargain between*

Freedom and Slavery, contained in the Constitution of the United States, is morally and politically vicious, inconsistent with the principles on which alone our revolution can be justified, cruel and oppressive by riveting the chains of slavery, *by pledging the faith of freedom to maintain and perpetuate the tyranny of the master*, and grossly unequal and impolitic by admitting that slaves are at once enemies to be kept in subjection, property to be secured and returned to their owners, and persons not to be represented themselves, but for whom their masters are privileged with nearly a double share of representation. The consequence has been, that this slave representation has governed the Union. Benjamin's portion above his brethren has ravined as a wolf. In the morning he has devoured the prey, and in the evening has divided the spoil."

Judge *Story*, in his Commentaries on the United States Constitution, referring to the clause, "No person held to service or labor," &c., says: —

This clause was introduced into the Constitution *solely for the benefit of the slaveholding States*, to enable them to reclaim their fugitive slaves, who should have escaped into other States where slavery was not tolerated. The want of such a provision, under the Confederation, was felt as a grievous inconvenience by the slaveholding States; since, in many of the States, no aid whatsoever would be allowed to the owners, and sometimes, indeed, they met with open resistance. In fact, it cannot escape the attention of every intelligent reader, that many sacrifices of opinion and feeling are to be found, made by the Eastern and Middle States, *to the peculiar interests of the South.*

Again: —

Historically, it is well known that the object of this clause was to secure to the citizens of the slaveholding States the complete right and title of ownership in their slaves, as prop-

erty, in every State in the Union into which they might escape from the State where they were held in servitude. The full recognition of this right and title was indispensable to the security of this species of property in all the slaveholding States; and, indeed, was so vital to the preservation of their domestic interests and institutions, that it cannot be doubted that it constituted a fundamental article, without the adoption of which the Union could not have been formed. Its true design was to guard against the doctrines and principles prevalent in the non-slaveholding States, by preventing them from intermeddling with, or obstructing, or abolishing the rights of the owners of slaves.

Referring to the clause, permitting a slave representation in Congress, he says: —

The truth is, that the arrangement adopted by the Constitution was *a matter of compromise and concession*, confessedly unequal in its operation, but a necessary sacrifice to that spirit of conciliation which was indispensable to the union of States having a great diversity of interests, and physical condition, and political institutions. It was agreed that slaves should be represented, under the mild appellation of "other persons," not as free persons, but only in the proportion of three fifths.

Of the clause providing for the continuance of the foreign slave trade for the term of twenty years, Judge Story says: —

It was notorious that the postponement of an immediate abolition was indispensable to secure the adoption of the Constitution. It was a necessary sacrifice to the prejudices and interests of a portion of the Southern States.

Judicial Expositions and Decisions.

1st. *Johnson* vs. *Tompkins*, 1 Baldwin's C. C. Reports, 571.

The master from another State may pursue and take his fugitive slave *without warrant*. He may arrest him any

where and at any time, and no person has a right to oppose the master in the act, or to demand *proof of property.* The Constitution and laws of the United States *secure this right.*

2d. *Prigg* vs. *The Commonwealth of Pennsylvania,* 16 Peters's Reports, 539, &c.

Per *Taney,* C. J. The master has a right peaceably to take possession of his slave, and carry him away, *without any certificate or warrant* from any judge of the District or Circuit Court of the United States, or from any magistrate of the State; and whoever resists or obstructs him is a wrong-doer, and every State law which proposes, directly or indirectly, to authorize such resistance or obstruction, is *null and void,* and affords no justification to the individual or officer of the State who acts under it.

Per *Story,* J. Under and in virtue of the Constitution, the owner of a slave is clothed with *entire authority, in every State* in the Union, to seize and recapture his slave. The Constitution of the United States was *designed* to uphold and justify the act of seizing and removing a slave by his master.

3d *Commonwealth* vs. *Griffith,* 2 Pick. 11.

Per *Parker,* C. J. It is very obvious that slaves are not parties to the Constitution, and the amendment (securing the people against unreasonable seizures, &c.) has relation to the parties.

Extract from No. LIV. *of "The Federalist," on "The Ratio of Representation."*

The next view which I shall take of the House of Representatives relates to the apportionment of its members to the several States, which is to be determined by the same rule with that of direct taxes. * * *

It will perhaps be said, But does it follow from an admission of numbers for the measure of representation, or of slaves combined with free citizens, as a ratio of taxation, that slaves ought to be included in the numerical rule of represen-

tation? Slaves are considered as property, not as persons. They ought, therefore, to be comprehended in estimates of taxation which are founded on property, and to be excluded from representation which is regulated by a census of persons. This is the objection, as I understand it, stated in its full force. I shall be equally candid in stating the reasoning which may be offered on the opposite side.

We subscribe to the doctrine, might one of our southern brethren observe, that representation relates more immediately to persons, and taxation more immediately to property, and we join in the application of this distinction to the case of our slaves. But we must deny the fact that slaves are considered merely as property, and in no respect whatever as persons. The true state of the case is, that they partake of both these qualities; being considered, by our laws, in some respects as persons, and in other respects as property. In being compelled to labor not for himself, but for a master; in being vendible by one master to another master; and in being subject at all times to be restrained in his liberty, and chastised in his body, by the capricious will of another, the slave may appear to be degraded from the human rank, and classed with those irrational animals which fall under the legal denomination of property. In being protected, on the other hand, in his life and in his limbs, against the violence of all others, even the master of his labor and his liberty, and in being punishable himself for all violence committed against others, the slave is no less evidently regarded by the law as a member of the society, not as a part of the irrational creation; as a moral person, not as a mere article of property. The federal Constitution, therefore, decides with great propriety on the case of our slaves, when *it views them in the mixed character of persons and of property.* This is, in fact, their true character. It is the character bestowed on them by the laws under which they live; and it will not be denied that these are the proper criterion. * * *

Let the case of the slaves be considered, as it is in truth, a

peculiar one. Let the compromising expedient of the Constitution be mutually adopted, which regards them as inhabitants, but as debased by servitude below the equal level of free inhabitants, which regards the *slave* as divested of two fifths of the *man*.

In the debate in Congress on the question of censuring John Q. Adams for presenting a petition for a dissolution of the Union, Mr. *Underwood*, of Kentucky, said: —

They [the South] were the weaker portion, were in the minority. The North could do what they pleased with them; they could adopt their own measures. All he asked was, that they would let the South know what those measures were. One thing he knew well — that the State which he in part represented had perhaps a deeper interest in this subject than any other, except Maryland and a small portion of Virginia. And why? Because he knew that to dissolve the Union, and separate the different States composing this confederacy, — making the Ohio River and Mason and Dixon's line the boundary line, — he knew as soon as that was done, *slavery was done in Kentucky, Maryland, and a large portion of Virginia*, and it would extend to all the States south of this line. *The dissolution of the Union was the dissolution of slavery.* It had been the common practice for southern men to get up on this floor and say, "Touch this subject, and we will dissolve this Union as a remedy." Their remedy was the destruction of the thing which they wished to save, and any sensible man could see it. If the Union were dissolved into two parts, the slave would cross the line, and then turn round and curse his master from the other shore.

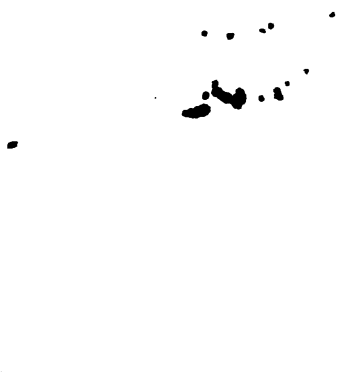
Mr. *Thomas D. Arnold*, of Tennessee, in a speech on the same subject, spoke as follows: —

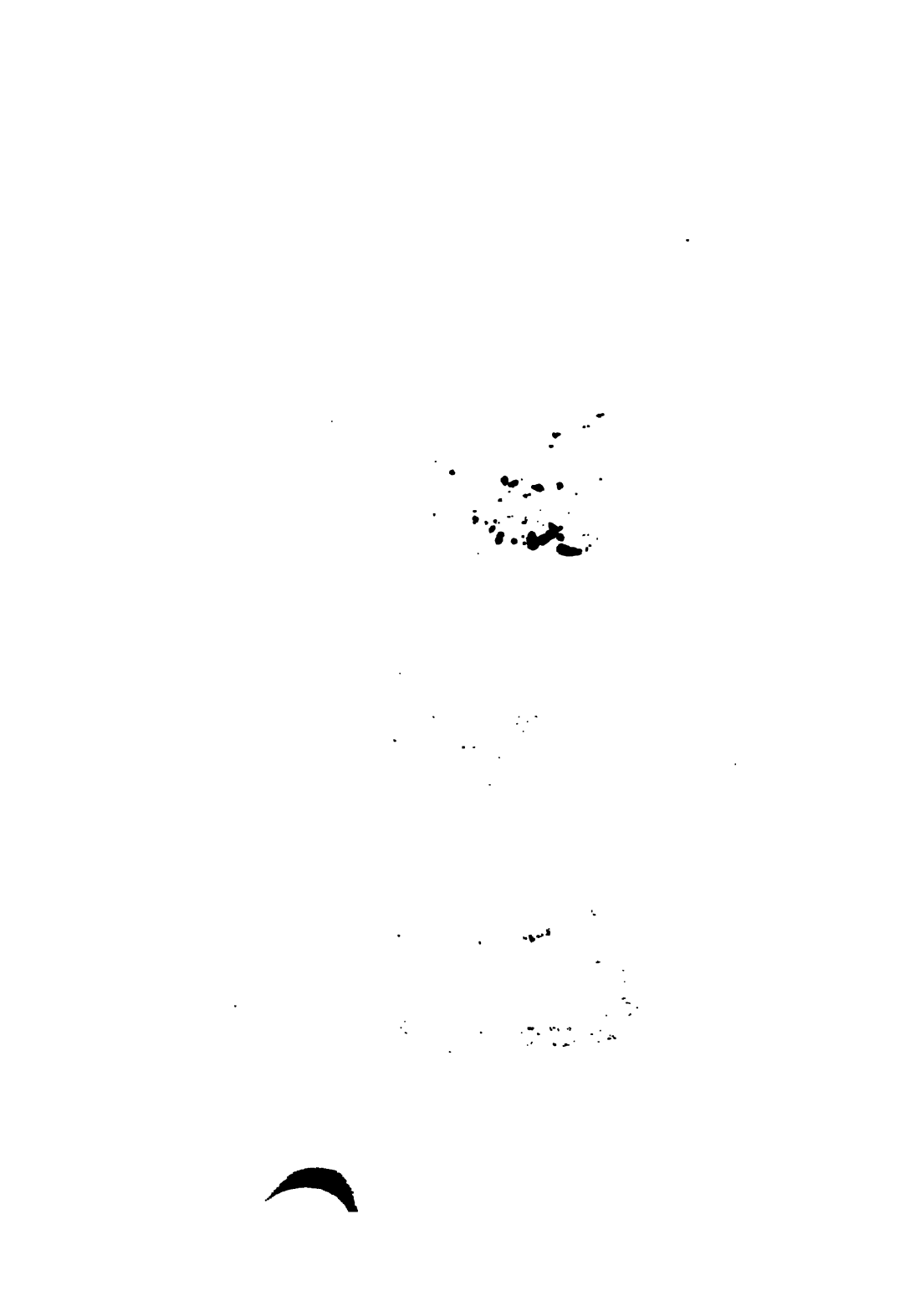
The free States had now a majority of forty-four in that House. Under the new census, they would have fifty-three.

The cause of the slaveholding States was getting weaker and weaker; and what were they to do? He would ask his southern friends what the South had to rely on, if the Union were dissolved? Suppose the dissolution could be peaceably effected, (if that did not involve a contradiction in terms,) what had the South to depend upon? *All the crowned heads were against her. A million of slaves were ready to rise and strike for freedom at the first tap of the drum.* Were they to cut loose from their friends at the North, (friends that ought to be, and without them the South had no friends,) *whither were they to look for protection?* How were they to sustain an assault from England or France, with that cancer at their vitals? The more the South reflected, the more clearly she must see that she had a deep and vital interest in maintaining the Union.

The editor of the Maryville (Tennessee) Intelligencer, in an article on the slave population, says:—

We of the South are emphatically surrounded by a dangerous class of beings,—degraded, stupid savages,—who, if they could but once entertain the idea that immediate and unconditional death would not be their portion, would react the St. Domingo tragedy. But the consciousness, with all their stupidity, that a tenfold force, superior in discipline, if not in barbarity, would gather from the four corners of the United States, and slaughter them, keeps them in subjection. *But to the non-slaveholding States particularly we are indebted for a permanent safeguard against insurrection.* Without their assistance, the white population of the South would be too weak to quiet that innate desire for liberty which is ever ready to act itself out with every rational creature.





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